



General Administration
STATE OF WASHINGTON

As required by
The Washington State Administrative Procedure Act
Chapter 34.05 RCW

CONCISE EXPLANATORY STATEMENT

Relating to adoption of new
Chapter 236-17 WAC, Use of the public areas of the
capitol buildings and grounds

And amending
Chapter 236-12 WAC State capitol grounds traffic and
parking regulations

October 30, 2009

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1. Reason for Rule Adoption

Background

Under RCW 43.19.125, the Department of General Administration (GA) is charged with custody and control of the capitol buildings and grounds. Additionally, under RCW 46.08.150, GA has authority to write rules and regulations governing pedestrian and vehicular traffic on the state capitol grounds.

GA has had rules governing requests for activities on the Capitol Campus since the late 1960s. Such rules are essential to managing use of the public areas of the capitol buildings and grounds while facilitating the normal conduct of state operations, the safety of people and property, access for first amendment free speech and assembly, and the condition and appearance of the capitol buildings and grounds.

GA implemented policy and procedures to carry out the rules. Our policy affirmed that requests for use of the capitol buildings and grounds required our advance authorization in accordance with our procedures, could not disrupt the conduct of government business, and could not violate any applicable laws and rules.

In recent years, we have seen a significant sustained increase in the number and size of activities at the capitol buildings and grounds. Scheduled activity volume has steadily increased by over 60% since the completion of the rehabilitation of the Legislative Building in 2004. During the 2009 legislative session, over 90% of scheduled activities on campus were held inside the Legislative Building. Competing interests for desired locations or time and pressure from applicants to reserve space farther out have increased, while capacity to manage the increased demand has decreased due to budget reductions.

Sensitivity to security also increased after the tragic events of 9/11/2001 and other threats against government facilities. Additionally, we began implementing updated statutory and code requirements related to fire, safety and accessibility.

Although the demands on the capitol buildings and grounds were changing, we had last updated our rules in the early 1980s. We last updated our supporting policy in 2007, when we settled litigation arising from our denial of a request to place a nativity display in the Legislative Building in 2006.

In December 2008, the number of requests for exhibits and displays in the Legislative Building exceeded our capacity to manage. GA imposed a moratorium on new requests for exhibits and displays in the Legislative Building so that we could review our related rules, policies and procedures.

We then began a rulemaking process in July of this year. After the start of rulemaking, GA heard concerns about the uncertainty and lengthy timeframe of the rulemaking process. In order to give the public clear and predictable guidance for scheduling activities, GA adopted an interim policy in August that allowed exhibits and displays on the campus grounds subject to reasonable time, place, and manner restrictions, but not in campus buildings. The interim policy will sunset when the final rules take effect.

The new rules establish how we will consider reasonable time, place, and manner criteria in authorizing the use of the public areas of the capitol buildings and grounds by the public for free speech and assembly activities as well as for commercial and private activities. Key elements of the rules include:

- No permit is required for free speech and assembly activities involving less than 25 people inside a building, or involving less than 75 people on the grounds. This is more open than past policy, which required advance authorization from GA to reserve times and locations for parades, processions, and demonstrations regardless of size.
- Activity sponsors must apply to GA for a permit at least two working days before the planned date of the activity. This is also more open than past policy, which required four working days advance notice.
- Subject to reasonable time, place, and manner restrictions, the public may place exhibits and displays on the campus grounds, but not in campus buildings.
- GA will process permit applications on a first-come, first-served basis, and will approve or deny an application within two working days from the date of receipt.
- The rules provide a clear and timely appeal process if an application is denied.
- The rules also provide direction regarding private and commercial activities in the public areas of the Capitol Campus buildings and grounds.

The rules will promote effective management of the public areas of the capitol buildings and grounds while facilitating the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

The rules are not applicable to the conduct of government business.

Consideration and Response Summary

Consistent with the requirements of RCW 34.05.325, we received public comments from September 2 through October 1, 2009. Comments were received via: oral and written testimony at a public hearing, our rule-making web site, and written submissions sent via email. We are responding to all comments received as provided in RCW 34.05.325 (6) (a) (iii) and (b).

Based on the comments received, we have made a number of non-substantive changes to the proposed rules filed with the Office of the Code Reviser on August 18, 2009. These changes are reviewed in Section 2 of this document in accordance with RCW 34.05.325 (6) (a) (ii).

The adopted rules comply with the legislative intent and authority granted us in Chapters 43.19.125 and 46.08.150 Revised Code of Washington. A thorough review of the final adopted rule, consistent with requirements under the Administrative Procedure Act 34.05.340 (2) (a) through (c), did not reveal any substantial differences from the proposed rules filed in the Washington State Register (WSR) under WSR 09-17-130.

We would like to thank all those who participated in this process and without whose help this undertaking would not have been possible.

2. Differences Between Proposed and Adopted Rule Text

Note to reader: Throughout this section, we show any changes to the proposed rules with strikethrough text (for deleted words) and underlined text (for added words).

Change #1; Banners and signs

Basis for Change: The proposed rules prohibited all non-governmental banners and signs inside a building unless they were handheld. In our initial proposal, the term “banners and signs” was not defined. Some comments requested clarification whether this restriction applied to flags and directional signage.

GA recognizes that the proper display of flags may require the use of poles during an activity, and that way-finding signage is important to facilitate the safe and effective management of large groups in the buildings. The changes below provide a definition of banners and signs, exempt government-recognized flags from the definition, and clarify that way-finding signage may be allowed.

WAC 236-17-030 Definitions (3) “ <u>Banners and signs</u> ” means pieces of material presented publicly to display a message, slogan, advertisement, or other similar information. Government-recognized flags are not considered banners or signs for purposes of these rules.
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WAC 236-17-210 General administration may set reasonable time, place, and manner limits on activities. ...Banners (or) <u>and</u> signs may be used during an activity in a capitol building only if they are handheld and not affixed to sticks or poles. <u>We will allow you to post way-finding signs during your permitted activity, subject to reasonable time, place, and manner limits....</u>
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Change #2; Medical Equipment

Basis for Change: Several comments expressed concerns about the scope of the proposed definition of “exhibits and displays” (WAC 236-17-030(6)). One specific concern was that the definition could be interpreted as prohibiting not only objects used to present and communicate information, but also equipment used in delivering medical services.

While we did not alter our basic definition, we clarified that equipment used in the performance of medical or therapeutic services is not an exhibit or display.

WAC 236-17-030 Definitions (6) ... <u>Exhibits and displays do not include equipment used in the performance of medical or therapeutic services during a permitted activity, such as a blood drive, delivering flu shots, or administering a therapeutic massage.</u>
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Change #3; Intentions or expectations of applicants

Basis for Change: The proposed definition of “Free speech and assembly activity” generated concerns that government would be speculating as to the intentions or expectations of applicants, which could lead to inconsistent application of the rules:

“The proposed definition of ‘free speech activities’ states that it is ‘an activity for the purpose of communicating information or ideas to others that are intended or likely to draw the attention, attendance, or participation of others.’ A permit is required, therefore, whenever an activity is ‘intended or likely to draw the attention or participation’ of 25 or more people.”

Consequently, the proposed rule might have inadvertently required a permit for an activity that did not draw at least 25 people.

Our interest was to ensure we could manage the volume of activities, not to speculate as to the likely size of an activity. Applicants are responsible for informing us how many people they estimate will attend their activity, and we will base our permitting decisions on the information provided. For example, if you tell us that 200 people will participate in your activity, we will permit a suitable location for 200 people. If 1000 people show, we may need to modify your permit to move the activity to a location that can accommodate the larger crowd.

To ensure clarity on this point, we have revised the definition of “Free speech and assembly activity” and other related rules to remove all references to the intentions of the applicants.

WAC 236-17-030 Definitions (8) "Free speech and assembly activity" means an activity for the purpose of communicating information or ideas to others that (are intended to or likely to) will draw the attention, attendance, or participation of others....
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Note: Numbering change results from the inclusion of a new definition for “Banners and signs”. [See Change #1 above](#).

Change #4; Permit requirements for free speech and assembly activities

Basis for Change: Some comments raised a concern that our proposed rule was too restrictive in requiring a permit for activities involving 25 or more persons on the capitol grounds. The comments noted the expansive nature of the public spaces available on the capitol grounds, in contrast to the much more confined public areas inside the capitol buildings.

It is appropriate that use requirements be less restrictive on the capitol grounds than inside the capitol buildings, in accordance with design, health, safety, operational,

and other such considerations. We have clarified the rule to provide two permit requirement thresholds for free speech and assembly activities:

- Twenty-five people for activities inside buildings, and
- Seventy-five people for activities on the grounds.

WAC 236-17-100 Do I need to apply for a permit? ... You do not need a permit for free speech and assembly activities involving less than twenty-five people in capitol buildings or involving less than seventy-five people on the capitol grounds....

... You must obtain a (A) permit (is required) for free speech and assembly activities (that are reasonably expected to involve) involving twenty-five or more people in capitol buildings or more than seventy-five people on the capitol grounds, and for all private or commercial activities ...

Change #5: Working days clarified

Basis for Change: Ambiguity about how working days were to be calculated under in proposed WAC 236-17-110 created concerns. Some comments suggested providing an example and qualifying the term “working days” to avoid confusion and errors in submitting or processing a permit application. We agree and have provided further clarification in WAC 236-17-110 and aligned other related sections.

WAC 236-17-110 When do I have to apply? You must give us a completed application at least two full working days prior to the date that you wish to reserve if your activity requires a permit. Saturdays, Sundays, and state holidays are not working days, and the day you submit your application does not count as a working day. For example, you must submit your application by the close of business on Monday to hold an event on the following Thursday, and you must submit your application by the close of business on Wednesday to hold an event on the following Saturday, Sunday, or Monday....

WAC 236-17-130 How long will it take to make a decision on my application? We (shall)will issue your (a) permit or deny your application as promptly as reasonably possible, and in all cases within two full working days of receiving your completed application form. We (~~shall~~) will state the reasons for any denial to you in writing.

WAC 236-17-150 How can I appeal a denial of my application? To appeal a denial of your application, you must submit your appeal in writing to the director of general administration within five full working days of the date of the denial. Your appeal must state why you think the application was improperly denied.

The director (~~shall~~)will issue a decision on the appeal in writing within three full working days of receiving it, and this will be the final decision of the department of general administration.

WAC 236-17-310 There is no fee for free speech and assembly activity permits. ... In order to (~~effectively~~) manage our services effectively, you must submit your request for our services at least five full working days prior to your activity, regardless of when you submit your permit application for your activity.

WAC 236-17-410 Private and commercial activities may be charged applicable fees. ... In order to (~~effectively~~) manage our services effectively, you must submit your request for our services at least five full working days prior to your activity, regardless of when you submit your permit application for your activity.

Change #6; Maximum advance application time

Basis for Change: The proposed rule limited applications to no earlier than 120 working days (roughly six months) in advance of the requested activity. Several comments indicated that six months is not enough time to make all of the arrangements necessary for some complex activities (such as coordinating with academic calendars, contracting for services or securing speaker commitments).

In consideration of these comments, we have extended the maximum advance reservation timeframe to one year.

WAC 236-17-110 When do I have to apply? ...You may not submit an application more than (~~one hundred twenty working days~~) one year in advance of the date that you wish to reserve. ...

Change #7; Spontaneous gatherings

Basis for Change: Several comments noted that significant events or news may prompt a spontaneous gathering of individuals that cannot meet the 2-day advance permit process. Such gatherings are a protected form of free speech and assembly.

It was not our intent to imply that such gatherings are prohibited by our rules. We have clarified the proposed rule to provide guidance for spontaneous gatherings under WAC 236-17-110 that still ensures we can meet our obligation to manage use of the public areas of the capitol buildings and grounds while facilitating the normal conduct of state operations, the safety of people and property, access for first amendment free speech and assembly, and the condition and appearance of the capitol buildings and grounds.

WAC 236-17-110 When do I have to apply?... A permit is not required for a spontaneous activity in response to news or events coming into public knowledge which precludes meeting the two day advance notice requirement; however, you must notify us of your activity at least two hours in advance during working hours so that we can determine if there are conflicts with other permitted activities.

Change #8; Application information

Basis for Change: Many people do not receive their mail at their street address.

WAC 236-17-120 What information do I have to provide? (1) On your application, you must provide the following information:
(a) Your name and ~~(street)~~ mailing address, and ~~(or)~~ a current e-mail address or telephone number.

Change #9; Disruptive or obstructive activities

Basis for Change: Some concerns were raised that the proposed text of WAC 236-17-220 and 230 and WAC 236-12-430 gave the state broad discretion to deny or revoke a permit due to minor disruptions of government activities or momentary obstructions of access. We have clarified the rule to specify that activities may not “unreasonably” disrupt government business or interfere with safe access, which provides a standard for exercise of this discretion.

WAC 236-17-220 Activities may not disrupt the conduct of government business. You may not engage in any~~(No)~~ activity ~~(may)~~ that unreasonably disrupts, conflicts with, or interferes with the normal conduct of any state business, meeting, or proceeding.

WAC 236-17-230 Activities may not obstruct safe access for people or vehicles. You may not unreasonably ~~(No activity may)~~ obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people or vehicles.

WAC 236-12-430 Demonstrations, parades—Obstructing traffic, state business--Prohibiting. ...in such a manner as to unreasonably disrupt the orderly flow of pedestrian or vehicular traffic on the capitol grounds....

Change #10; Fund-raising activities

Basis for Change: Our proposed WAC 236-17-420 caused some concern about whether we were restricting fund-raising activities to support ongoing advocacy and messaging that are an integral part of free speech and assembly activities.

This section applies to private and commercial activities. It was not our intent to restrict fund-raising that is an integral part of free speech and assembly activities. However, one of our examples referenced not-for-profit organizations conducting fund-raising during community events, which often constitute free speech and assembly activities. Moreover, the examples stated that such activities could only occur in “less formal” public spaces, which also implied a restriction on free speech and assembly activities.

To address this ambiguity, we have clarified the rule to reference only private and commercial sales, solicitation, and fund-raising activities.

WAC 236-17-420 General administration may set reasonable time, place, and manner limits on private and commercial activities.

... We may designate locations (in less formal public areas of) on the capitol grounds (such as Heritage Park, Sylvester Park, or Marathon Park for commercial vendor sales and for fund-raising activities by not-for-profit organizations as part of a permitted public community event such as Capital Lakefair, Music in the Park, or the Capital City Marathon) for private or commercial sales, solicitation, or fund-raising activities.

Change #11; Identification of sponsors

Basis for Change: The proposed rule required banners, signs, exhibits or displays placed on the capitol grounds to “clearly” identify the item’s sponsor. Some comments expressed concern that “clearly” could be interpreted subjectively, potentially leading to inconsistent permitting decisions. In order to avoid any ambiguity, the rules have been revised to remove the word “clearly.”

WAC 236-17-210 General administration may set reasonable time, place, and manner limits on activities.

...You may place or post (B) banners, signs, exhibits or displays (may be placed or posted) on the capitol grounds. Such items must be removed at the end of the activity. Such items must (also clearly) identify the sponsor and contain a disclaimer stating that (they) the items are not owned, maintained, promoted, or supported by or associated with the state. The state assumes no liability for loss or damage to such items.

Change #12; Waiving or exempting requirements

Basis for Change: The proposed rules contained provisions granting the director authority to waive certain time requirements. Some comments expressed concern that these provisions could give the state subjective discretion in processing permit applications.

In addition, these waiver provisions were inadvertently omitted in the sections regarding free speech and assembly activities. Consequently, it appeared the rules imposed greater restrictions on free speech and assembly activities than on private and commercial activities.

To ensure consistency, we have removed the language granting the director such authority in both places that it had appeared in the chapter.

WAC 236-17-110 When do I have to apply? ... (Where circumstances establish good cause, the director may waive these time requirements.) ...

WAC 236-17-420 General administration may set reasonable time, place, and manner limits on private and commercial activities. ... (Where circumstances establish good cause, the director may waive these time requirements.) ...

3. Summary of All Comments Received and Consideration

Note to reader: General Administration received comments in several formats, including email, oral testimony, letters, and via our website. We have tried to present comments as closely as possible to their original formats. The comments are listed verbatim and no changes were made to typos, grammatical or other similar errors.

General Comments

GA received a number of comments that did not cite a specific section or provision of the proposed rules. These comments provided here are organized into broad topical categories like, **“Separation of church and state,” “Freedom to assemble,” “Exhibits on the grounds.”**

Stakeholder	General Comments
Bieritz, Wesley	Great discription of truth by Ann Gaylor. Need to get that out in to the public more.
Conger, Jeannette	I am so angry that our politicians would be so meally mouthed that they would be afraid to stand up for the traditions of our country. 85% of our people believe in God. We are a Christian nation. Why should a few ruin it for the rest of us. Shame on our state politicians for kow towing to this harrassment and shame on the Govenor. She and the others that have agreed to it will not have my vote on the next election.
Dotter, Louise	Jack and Crew, I do not envy you! What a pain in the butt this whole issue has become! Wish you all the best and please know that we "Pastafarians" will abide by whatever rules you see fit to promulgate. Here's hoping the "Fundies" (fundamentalist christians) agree to the same!! After all it is YOUR job to see that the capitol building and grounds are secure and well maintained for ALL to enjoy. May the Flying Spaghetti Monster's noodly appendages stroke your souls and bring you peace! (LOL and small giggle) Take care, good luck and RAMEN!
Dumovich, Eve	When I was granted my citizenship in a courthouse ceremony in 1974, there was a white space on the wall where the portrait of an impeached vice president had been and there was a protest march outside the door. The judge told us that this was what we had the right do in in America because an American has the right to express their opinion and make their feelings known to government officials. I will never forget that. It made be proud to be am American and affirmed my choice. The inconvenience of protest is the American way. It provides a way for people to change the way they want to be governed and saves all that anger from becoming pent up and resulting in a bloody revolution as it has in other countries protest. without this right to protest.
Fellows, Richard	To me this is like school janitors making curricular decisions at a school. Any rule open to constitutional challenge is a future waste of taxpayer money fighting inevitable legal challenges. The capitol campus is owned by the public. If the public cannot excercise thier most fundamental constitutional rights there, where do they apply?
Massoth, Penny	<p>I have lived throughout the world. When I was in a given area during the holidays, I enjoyed their particular expressions -- I certainly did not expect my religious preference to supercede theirs.</p> <p>However, since Christian tolerance is what we are devined by, I am confused at the tiidity with which we allow our base line concepts to be manipulated. We are a meltingpot. Our mantra, that we propose on the Statue of Liberty is to send all to us and enjoy religious freedom as well as all the others that allows.</p> <p>Shame on us for forgetting who we are. Come, enjoy, be who you are but let America, at it's best, be who it is. One can be agnostic, athiest, etc. Not sure some of the many other religions preferences would be as fair. Remember the Golden Rule, should be</p>

Stakeholder	General Comments
	<p>pretty universal. Do unto others as you would have them do unto you. The tree, lights, reverence for a kind and noble intity can be an inspiration. It is the root of what makes us work. Trying to split hairs and please each diversity can only divide us. Come and enjoy.</p> <p>I think of Norman Rockwells tributes to our diversity.</p> <p>We're becoming unmanageably strange.</p>
McConkey, R.C.	<p><u>Public Testimony</u> They had to move my grandfather's house to build the Capitol here many years ago, worked on the Capitol building.</p> <p>After the interest in this bill, I wonder if the Attorney General has taken a review because I see no course that this will be going into the judicial system probably all the way to supreme court if I know some of the actions of the State of Washington have passed, which is -- have been both pro and cons. Very -- state that's -- sets standards.</p>
Miller, Jeremy	Have they met to discuss this??? is it open to the public??? what are they clarifying specifically about RCW 43.19.125 & RCW 46.08.150???
Piety, John	<p><u>Public Testimony</u> Well, first of all, I support nothing in the Capitol until you really get, you know, in the buildings until you really get the plans sorted out. But I see that your main criteria is you're worried about things exceeding your capacity to manage. To me that's extremely arbitrary. You know, who makes the decision? Like if I don't like a holiday, I can come down and get a lot of folks, and that may cause you a problem. I'd like to see something a little bit more specific in your rules on how you're going to determine. And, you know, it has a lot to do with the criteria that he just espoused. Also, I don't have a good feeling on how if I am not the applicant, is there a way for me to appeal you guys' decision, or do I do it just in the application process like they did? 'Cause I don't see that in your rules and regulations at all.</p> <p>So pretty much I could say I support his statement. But I would like to see a little bit better criteria on not you but if -- whoever is making the rules, what kind of information they'll be using to do it rather than just "exceed the capacity to manage" cause I don't think that's a good criteria.</p>
Starkey, Cindy	I think we should not decorate or display things in the public areas of state buildings. It will save money from purchasing display items. It will save time for those employees who set up the decorations and maintence of the displays.
Wakefield, Jim	<p><u>Public Testimony</u> I don't think I've had any ancestor burned at the stake, and I may have had one in a religious war somewhere. I did have a relative that was put in jail in Province Town, Massachusetts, for kissing his wife on Sunday. And I have a pilgrim background.</p> <p>Basically I'm here just to say that we want to have a civil society these days. And we don't want it disrupted with religious disruption. And ideologues state no to state buildings. And this is better for the church and state, and I came here to say that.</p> <p>It looks like the rules as proposed, which I've just seen, look like they're very well thought out. And so I want to let you know I'm in support of them.</p> <p>And if the -- if the young -- if the youth in the future are being taken to some foreign war again and need to stop it, I would hope that they wouldn't be harassed or impeded by state police down here. And it doesn't look like there would be. It looks like the rules are quite good.</p>
Ward, Don	Only human consciousness has the capacity to bring a higher moral dimension to the developmental process. Morality doesn't pre-exist as part of the fabric of the universe, already formed, "out there" somewhere. It's not part of the process from beginningless time; nor is it an inherent quality of consciousness itself. If you project your pre-given notions of virtue and morality onto some mythic conception of God, you are just perpetuating a comforting illusion. Ever-greater moral capacities emerge and enter into

Stakeholder	General Comments
	the process only as human beings evolve.

Response
Our review of these comments has determined that no response is necessary as they do not make any specific recommendations or suggestions.

Peace Arch

Stakeholder	General Comments
Alexander, Christina United States/ Canada Peace Anniversary Association	<p><u>Public Testimony</u></p> <p>And I have experienced being an unintended consequence. Our nonprofit group, which is the United States/Canada Peace Anniversary Association, and we are active in Peace Arch State Park.</p> <p>You may not be aware of it, but other state agencies were also invited from the Attorney General's Office to create policies for displays in their state's buildings and public places. And as a result of that, that does affect our organization.</p> <p>We have -- were founded in 1995 to commemorate the 75th anniversary. We've had a partnership with our state park. And I was -- but so everybody knows, I was invited here because they thought it was important to get this information on the record being that it was a different situation.</p> <p>And so we've had a partnership with our state park. And as you know, parks are in trouble. In the last -- the time that we have been involved in this park, three times it has been threatened to be closed, and once it was threatened to be bulldozed by the GSA.</p> <p>So what we do in that park that has been very successful for the park and us is we hold an annual sculpture exhibition, and it is a six-month-long exhibition. It's open to anybody. Anybody can enter it. I have all our brochures from all the years that we've done it. And these -- the art is placed in the gardens. The gardeners complement the artwork. The brochure teaches the history of the park. And we have people who come from around the world who enjoy that. And we greet them, in fact, in other languages.</p> <p>So in our situation it puts us into a category. We are a cultural organization. If we engaged in religious or political activities, we would not have a nonprofit status. And, therefore, our program is very much supported by our community.</p> <p>We applied for a tourist grant this year, and I submitted for the record several letters from the Chamber of Commerce, I believe, the City of Blaine, the Whatcom Tourism Bureau, even a rest home, where the people in a part of our community go over and visit the exhibition and appreciate that peace is a universal need and art is a universal language.</p> <p>And so when I hear concerns about exhibits and understanding that our state government at all levels has that need for partnerships and for people to come in and assist in interpreting things that you can't do,</p> <p>I just think that it's a real concern to consider because we are trying to work together with you to do something that you may not necessarily be able to do but to enhance the experience for everyone.</p>
Harger, Debbie	Regarding regulating public displays on state property. My concern is the Peace Arch International Sculpture Exhibition in Peace Arch State Park in Blaine and the request to extend the length of the exhibition through October 2010 due to the 2010 Winter

Stakeholder	General Comments
	<p>Olympics.</p> <p>Blaine often suffers from its proximity to the border and the economic benefits to attracting motorists off the highway to the park and the city. The City of Blaine financially supports the International Peace Arch Sculpture Exhibition as one of the important tourist attractions that draws motorists off the freeway to Peace Arch State Park as well as to the City of Blaine. Over the years, the City has been invited to participate in the jury of the art along with the park's staff and community members and also assists with installing and removing the sculptures.</p> <p>One area that I think needs clarification is the definition of a display. Displays related to a political view or religious displays making one statement I believe should be viewed differently than public art. "Public Art creates a more humane environment: one of distinction, enjoyment, and pride for all citizens." The Sculpture Exhibition creates beauty and interest to the park and gardens and presents an opportunity for the viewer to experience a world class variety of artist expressions from around the world.</p> <p>The request to expand this year's exhibit was due to the expectation of thousands crossing the US/Canada border on the I-5 Peace Arch Crossing for the 2010 Olympic events. Extending the event through the Olympics has the potential to benefit the Park as well as the City of Blaine by creating an attraction for motorists traveling to the Olympics to stop here. Also, when the vegetation at the park is in winter season, the sculptures will provide beauty and interest at the park when the garden displays are not at their peak. It will leave a positive impression of our area that will encourage visitors to return.</p> <p>I appreciate your consideration to view the sculpture exhibit as an asset to the park rather than as a temporary display and allow the time extension of the International Peace Arch Sculpture Exhibition through the 2010 Olympics creating a main attraction at Peace Arch State Park.</p>
Myhre, Thor	It is a huge disappointment for our community to hear that this rule is affecting the Peace Arch Sculpture Exhibit which is neither religious nor political. Please reconsider.
Rieke-Blaine, Robert and Sharon	<p>Re: WAC 236-12... Rules Concerning Public Displays in our State Parks</p> <p>My wife and I have long appreciated the USCPAA art exhibits in the Peace Arch State Park.</p> <p>We treat out-of-state friends to a tour of the park and of the art displays, which at that unique border entry/departure point is a tribute and testimony to our commitment to peace and international cooperation.</p> <p>Three brief thoughts:</p> <ol style="list-style-type: none"> 1) The art exhibit/ display is not religious, political, or secular, but a cultural affirmation of that which sustains and strengthens us, as individuals and nations. 2) Understanding the allowing/extension? of this USCPAA art exhibit as "precedent setting" fails to take into account its historical uniqueness. 3) Re: WAC 236-12: the application of the rule in this case seems to us to be an unintended, and hyper-vigilant consequence.

Response
<p>The Parks & Recreation Commission (Parks) did not adopt their policy because of GA's rules. State law lays out the oversight and authority of state agencies. GA is responsible for the care and custody of the capitol buildings and grounds, and Parks has similar but completely separate responsibilities for managing state parks.</p> <p>During the past year, GA and Parks each independently began to craft policies governing use of public areas within their respective authorities. Both agencies considered relevant case law and government's interest in managing the use of public spaces effectively.</p>

Response
<p>As a result, both agencies recognized that decisions whether to allow exhibits and displays will be content-neutral; we may not prohibit displays that have religious or political content while allowing displays that are deemed cultural or artistic in content. And both agencies adopted policies that affirm that government may set reasonable time, place, and manner restrictions on activities according to design, health, safety, operational, and other such considerations.</p>

Permit Displays but Regulate Content, Timing or Location

Stakeholder	General Comments
baderj	<p>As a middle ground, the State may allow displays that do not involve words, except proper names for state residents killed in action. Some public buildings honor military killed in the service of the United States for a memorial period with boots, helmet, a cross, star of david, or other symbol and the name of the honored dead.</p>
Clay, Karen	<p>Limit all displays to the same size, e.g. 6 ft x 6 ft x 1 ft, limit lighting or no lighting; limit language by listing unacceptable words/images, e.g. damn, damnation, hell, abomination, god, sin, sinners, devils, guns, shrunken heads etc ad nauseum; limit the location for displays; limit number of displays first come first served; interior displays should be limited to only white lights and green foliage.....</p> <p>oh sure those darn religionists and those darn atheisits and those darn whack jobs will push the limits and always find something to complain about, threaten to sue about, but if they are treated equally (kind of like children), with a firm hand perhaps they just give it up and behave.....OH SURE!</p>
Dahlin, David	<p>Watching the fuss over the ANTI religious expression really saddened me. What we NEED, is MORE reasons to celebrate not restrictions of celebration. Standing on the side of one's celebration and jeering and ridiculing it because of some personal disagreement with it is not respectful of others beliefs.</p> <p>I wondered then, where is the ATHEISTS celebration? Where are THEIR songs and celebratory gatherings. NO organization or opposition group has the right to denigrate anothers' celebration. I am a Capitalist but, if Communists wish to celebrate MAY DAY, good for them! I will even sell HOT DOGS at the celebration!</p> <p>Someone said, "I may not agree with what you have to say but, I will defend, to the DEATH, your RIGHT to say it!"</p> <p>That breeds a civil society which is where I wish to live!</p>
Engalls, Don and Mary	<p>From our country's inception Christmas has been a nationally celebrated tradition - both commercially and religiously. <u>The disputed Christian display should definitely be permitted.</u> To decide otherwise would allow a vocal minority to take away the rights of the majority.</p> <p>Viewpoints opposing the display can be expressed at a different time and/or place, but the peaceful and inspirational message of Christ's birth should not be marred by direct conflict. Fewer laws, judicial procedures and prisons would be needed if all our population embraced Christ's teaching.</p> <p>Our <u>suggestion for rules</u> about what to display: commemorations of traditional holidays and perhaps events traditionally listed on calendars.</p> <p>We urge you not to denigrate our Christian traditions by refusing to allow them a place of honor in public places. Other countries proclaim a national religion. As a nation we</p>

Stakeholder	General Comments
	<p>have every right to favor our Judeo-Christian tradition, as long as all individuals are free to choose according to their consciences.</p> <p>Thank you for soliciting public response on this very important issue.</p>
Ferreira, Helena	<p>I hope that you will have some backbone and preserve free speech regardless of who's making it. The capitol should be an open forum with appropriate rules of engagement. That said, don't prohibit displays just because they are religious in nature or oppose religion. Americans need to grow up and accept what the Constitution is all about.</p> <p>Make your rules easy to understand and follow.</p> <p>Allow all comers within reasonable bounds.</p> <p>Limit displays to a specific time frame.</p>
Hirst, Linnea	<p>The League of Women Voters of Washington is concerned that the proposed rules would forbid displays in the Capitol buildings. Rules of that nature are unnecessarily restrictive and would stifle citizen participation in our democratic government. For example, those rules, like the interim policy now in effect, would seem to forbid the League from having any exhibits or displays during our annual Lobby Day, held in the Columbia Room within the Capitol Building. We use those displays to inform legislators and the general public, as well as our own membership, about issues important to the League.</p> <p>A principle of the League of Women Voters:</p> <p>"The League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens...that no person or group should suffer...administrative discrimination."</p> <p>We ask that the proposed rules be revised so that citizen groups be allowed to display information at least during scheduled events within Capitol buildings in order to inform legislators and the public about issues of concern.</p> <p>A position of the League of Women Voters in Washington: "Legislators must have access to objective information and should be responsive to the views of all the citizens of Washington State."</p> <p>We urge you to seriously consider the effects on citizen participation in government as you work to finalize the proposed rules.</p>
Jacobs, Bob	<p><u>Public Testimony</u></p> <p>I've chopped this to try to fit three minutes, so I hope it comes across. It would have been helpful if you would have announced ahead of time that there would be a limit on the time people could speak.</p> <p>First let me speak about displays. Our recent unhappy experience with religious displays has been a good educational experience. The United States is the most diverse country on earth. This includes a diversity of religious and philosophical points of view. We are also fortunate to have a constitution which requires equal treatment for all these points view. Thus, when one group is allowed some form of expression, others will quickly follow, and we've seen the chaos that can result without proper management.</p> <p>What to do? To me the critical distinction is between religious displays that are parts of events with sponsors present and religious displays that are unattended.</p> <p>It seems that that religious displays that are part of events with sponsors present should not be limited except for the usual minimal restrictions as to disruption of other activities. So for instance, if a religious group holds a march and rally on the Capitol steps, it could have displays as part of that event.</p>

Stakeholder	General Comments
	<p>Unattended religious displays, on the other hand, should be disallowed entirely on the capitol buildings and the capitol grounds due to two risks: First, such displays would give the impression that the state favored some religious point of view over others; second, such displays would result in an uncontrollable proliferation that would inevitably consume large amounts of space and ultimately wouldn't serve the purposes of the organizations anyhow. Now, briefly let me speak of events. I suggest that these rules be redrafted to make clear that permits are not required to have events on the campus. This thing about free speech and requirements is kind of a double-talk to me.</p> <p>I think permits should just provide all the groups with assurance that they will have undisturbed access to the areas they reserved. Groups coming without permits would just have to take whatever spaces are left.</p> <p>In my experience most recently in the client process, GA has an exemplary record of openness to public involvement. If you should decide to convene a group of interested parties to help with redrafting these rules, I would be glad to help out.</p>
Johnson, DJ	<p>Gov. Gregoire,</p> <p>Why are denying the Nativity Scene fair display at Christmas? A tree isn't symbolic of Jesus. A nativity scend depicts the meaning of Christmas. Why does the left get to dictate on Christmas displays? It isn't fair.</p>
Kenny, Jamie	<p>First of all, I want you to know that I believe in the God of the Bible with my entire being. I love Him and our freedom that He has given me. This freedom is exactly why I believe an atheist's display should remain next to a Christian crèche. The Capitol belongs to every citizen in this state and should represent our views and beliefs. The exquisitely decorated evergreen is displayed each year even though it has its roots in paganism, a religion. I went to the Capitol last December to see for my own eyes the displays and found them very thought-provoking. Actually, it felt more like the Seattle Art Museum than the Washington State Capitol. The real problem, I believe, is the number of displays and the potential for safety hazards due to the space they take up. How will you decide how many displays will be allowed and who will be allowed to create a display? Who decides what is tacky or beautiful? I'll pray that God gives the team wisdom for making these tough decisions.</p>
Lean, Sue	<p><u>Public Testimony</u></p> <p>Thank you for holding this hearing today. I appreciate GA's outstanding commitment to good public process.</p> <p>I am an exhibit project director by profession and have been involved in a number of exhibits in the Legislative Building and the Temple of Justice. It was my privilege to serve as the Project Director for permanent exhibits on the Washington State Constitution exhibit in the Office of the Secretary of State and on the judicial history of the State for the Temple of Justice. In addition, I have developed temporary event exhibits in the Legislative Building as a volunteer for a number of organizations starting in the 1980's.</p> <p>I sympathize with the problems that religious and non-religious holiday displays have presented in the past.</p> <p>I am concerned, however, that the forbidding of any displays except those sponsored by the State will have an adverse effect on citizen participation in government during events held during Legislative sessions.</p> <p>I speak today as a holder of a permit for which I was the applicant for a public forum to be held on Saturday, February 27, 2010. This event is sponsored by the League of Women Voters of Thurston County, by the Friends of Seattle's Olmsted Parks and by the Daughters of the American Revolution.</p> <p>Entitled "The Olmsted Landscape Legacy at the Washington State Capitol," this Forum is intended to inform and facilitate public discussion of the future of the Capitol</p>

Stakeholder	General Comments
	<p>Grounds. This event is part of the in-kind match for a grant to produce a brochure to be distributed by GA and the Visitor Services Program. A similar Olmsted legacy brochure was produced about the Alaska Yukon Pacific Exposition and the University of Washington campus, a copy of which accompanies this testimony.</p> <p>Dr. Norman Johnston, the distinguished historian of the architecture of the Washington State Capitol will speak. Others will relate recent on research about the history of the landscape and the role of the Olmsted Brothers, the foremost landscape design firm of the early 20th century. These presentations will be followed by walking tours of the Capitol campus conducted by Friends of Seattle's Olmsted Parks.</p> <p>Under the proposed rules forbidding displays in the Capitol Buildings, none of the speakers would be permitted to show slides or make powerpoint presentations. A poster version of the brochure would have to be hand held by volunteers serving as human easels. A tabletop display about one of the memorial trees on the campus, the George Washington Elm, would be forbidden. Likewise, a literature table with signage.</p> <p>I believe this is an unintended consequence of the proposed rules as drafted. Not being able to use the audio-visual equipment, the screen and the fabric covered display panels or tables for exhibits and displays in the Columbia Room will greatly hamper the ability of the presenters to communicate to the event attendees.</p> <p>It is understood that displays placed in the course of conducting state government business are acceptable. It is worth considering that civic, business, professional organizations and advocacy groups seeking to petition the government during Legislative sessions would also be conducting the business of state government, that is, the making of the laws.</p> <p>The proposed rules invite civil liberties criticism: the right to petition government, freedom of speech and freedom of the press will be seriously impinged if people cannot use visual materials.</p> <p>I invite you to consider one of two options:</p> <p>Option One: To create two classes of displays Short term displays: Welcome, directional and informational signage and the visual materials and displays used to communicate by the speakers and organizers of the event to the attendees, guests, legislators, public officials and visitors to the Capitol Buildings shall be acceptable for the duration of an event and must be removed when the event is over unless such displays are sponsored by a state agency, board or commission.</p> <p>Long term displays: Free standing, unattended displays and exhibits intended to for the edification and education of visitors to the Capitol Buildings, legislators, public officials and state employees would require sponsorship by a state agency, board or commission</p> <p>Option two: Exempt event displays for the duration of an event</p> <p>Suggested language: "Informational signage and visual materials used to communicate in the course of an event shall not be considered displays as defined in these regulations. Events subject to permits shall include performances, public meetings, forums, Lobby Days, award ceremonies, memorials, receptions, Lobby Days and other Special Days focusing on a variety of subjects."</p> <p>There are many days such as Arts Day, Civic Education Day, Museum Day and Potato Day which, with state agency or state board or commission sponsorship, would likely be construed as carrying out state business and would, therefore, be allowed to have displays.</p> <p>Adopting such language exempting event displays from being forbidden for the duration of the event would allow civic groups the same privileges of presenting material audio-visual and on easels as would be afforded groups putting on their usual and</p>

Stakeholder	General Comments
	<p>accustomed annual displays for Special Days under state sponsorship of one kind or another.</p> <p>It is my hope that you will regard this as a matter of fairness to all. To all those who seek to advocate, influence and encourage public discussion in the making of the laws for the future of the State of Washington.</p>
Lean, Sue	<p>I submitted comments on the GA form, but am not at all sure I was still connected with comcast.net which required me to sign in again immediately afterward.</p> <p>Therefore, I am attaching the comments saved separately to share with others sharing my concerns about the damper these no-display rules may have on organizations attempting to facilitate public discussion about the future of the State of Washington under the law</p> <p>I am particularly concerned with exhibits and displays which presently appear only for the duration of an event and would be happy to assist in developing guidelines for these important communications.</p> <p>With best wishes, Sue Lean</p> <p>Hello</p> <p>It is with pleasure that I look forward to a holiday season without the debacle that attended displays in the Capitol last year.</p> <p>I am concerned, though, about traditional displays at the Capitol pertaining to the common good and citizen participation in the legislative process, and I have a number of questions:</p> <p>Will groups putting on events be able to have posters and displays in the room where the event is held for the duration of the event?</p> <p>Will groups be able to show power point presentations, videos, films or slides? What will happen to public outreach on Civic Education Day? Museum Day? Arts Day? Other Special Days?</p> <p>Groups from all over the state tell their stories, celebrate their accomplishments, and share their goals and needs in Lobby Day presentations. Great learning opportunities stand to be lost. What about memorials, historical and commemorative occasions?</p> <p>Will sponsorship by a state agency be necessary to have a poster or display inside the Legislative Building? What about membership information for groups sponsoring events? What about being able to display an award being presented at an event? An exhibit with past honorees? Even Welcome signage that point to the location of an event (for example, in the Columbia Room, the Rotunda or the State Reception Room) could be considered a display.</p> <p>If these rules are permanently adopted, would it be the correct interpretation that the League of Women Voters at their Lobby Day in January 2010 would not be able to display a poster about the "Women's Votes, Women's Voices" exhibit of the Washington Women's History Consortium, a state funded exhibit? Would the Women's Suffrage poster produced by the Office of the Secretary of State be disallowed? And how about bunting to make the occasion patriotically appealing?</p> <p>Would Friends of Seattle's Olmsted Parks not be able to have an exhibit about the Capitol landscape and the Olmsted Legacy at the Forum on this subject February 27, 2010? For this same event, would the DAR's exhibit on the George Washington Memorial Elm on the Capitol Campus be disallowed? Would Capitol architecture historian Dr. Norman Johnston not be allowed to show images during his speech at this Forum open to the public? The ability to inform the public and facilitate public debate</p>

Stakeholder	General Comments
	<p>on matters of great importance to the State of Washington stands to be seriously impaired by disallowing informational displays at informational events held in the Legislative Building.</p> <p>I appreciate that you may be trying to avoid censorship by disallowing everything (except outside) and share your concern about the ludicrous situation we had last holiday season. However, this no-displays rule strikes me as a serious curtailment of political, historical and educational speech.</p> <p>Lining up volunteers to hold in their hands the posters and exhibits is not likely to go over well with citizen organizations seeking to participate in democracy. This proposed restriction adds an entirely unnecessary burden on volunteer organizers who would much prefer to use standard easels instead of human easels.</p> <p>Please answer in regard to power point presentations and exhibits being displayed for the duration of events. Also about displays being allowed if there is sponsorship by a state agency for advocacy groups in support of said agency, e.g. a children's advocacy event sponsored by DSHS.</p> <p>Please answer also as to the difference between a public and private event and what the display criteria may be. It would be helpful if you could develop guidelines for organization event displays on view in the Capitol for the duration of an event. Welcome signs, registration information, posters, exhibit displays, video and power point presentations and signage including membership information, information on the history and achievements of the organization and the cause which it addresses, including photos and information advocating the positions and legislative desires of the organization, and such other information that the organization desires to make known should absolutely not be disallowed.</p> <p>I worry also that such great exhibits as the tapestry produced for the Bicentennial of the Lewis and Clark Expedition could never again be shown at the Capitol. This would be sad.</p> <p>As the project director for the Washington State Constitution exhibit "Documents of Liberty" in the Office of the Secretary of State, a permanent exhibit in the Legislative Building placed in the 1980's, I applaud your commitment to free speech and the freedom of assembly as a solemn duty of General Administration of the State of Washington. I encourage you to develop guidelines for temporary displays associated with organizational events that do not require volunteers to stand holding displays of organizational information, goals and objectives. I would be willing to consult with you as an exhibit professional and organizational volunteer on this extremely important matter.</p>
LeBaron Anderson, Rachel	<p>Suggestion on Holiday Displays: Since there are an unlimited possibilities of displays- Why not have a set number of displays allowed and auction the spaces. Money goes to Combined Fund Drive, highest bidders get the spots. Charity becomes the biggest winner, or if not Combined Food Drive, then Perhaps all money goes to the Food Banks, its perfect during the holidays.</p>
Lovrien, Mark	<p>After 100 years of nativity scenes this is the proposed rule? Quit caving in to special interests and stand up for our history! This is a disgrace to our founders. Put the nativity scene back and the Christmas tree.</p>
Lunceford, Kate	<p>I support freedom to practice various religions as long as they don't hurt anyone or thing but I object to representing any religion on public property. If religious displays are allowed I think atheist displays should be allow too.</p> <p>Keep displays of civic themes only.</p>
Marcott, Norma	<p>I think the holiday displays need to stay and the more the merrier, they are not only nice to look at, they are also educational. This used to be a free country, it's getting less so all the time. If it's against your religion no one is forcing you to look at it. The majority of</p>

Stakeholder	General Comments
	us want them and we have just as much to have them there as the people who don't, matter of fact more seeing that more of us want it.
Masterleo, Mark	<p><u>Public Testimony</u></p> <p>I'm here as just a private citizen. And I also happen to be a member of FFRF, which is the Freedom for Religion Foundation.</p> <p>And I have concerns, I guess, of when government appears to or -- sanction any one particular religious view -- there are over 10,500 distinct religions in the world today. And, you know, 15 percent of Americans aren't religious. And less than 2 percent of Americans are Jewish; I would see that as a major religion.</p> <p>And I just -- I think that any time the government is seemed to be behind of a particular religious view, it's -- its discriminatory, and it causes a division in society. And I think government should be about inclusion. So, you know, it's either allow everything, or ban religious symbols just in general. And it just -- it just doesn't seem practical to allow everything with the liability, risk, and the securities and whatever.</p> <p>So, you know, we're all taxpayers. And I don't believe we should -- you know, we should be having our tax dollars used to support a particular view, a religious view, for that matter.</p>
Pearson, Nancy	<p>I have serious concerns about the very restrictive rules in effect with the interim policy, and proposed to become permanent. As an active member of the League of Women Voters, I have participated many times in activities using capitol campus buildings that are meant to help inform the public about governmental issues, in a non-partisan way. We also present LWV views on current issues to legislators. Being prohibited from using display materials like posters and fliers seems an excessive restriction to free speech, as well as the ability of citizens to contact their elected officials.</p> <p>I hope you will modify the rules to allow display materials at permitted events and activities that honor our democratic tradition of citizen participation in government.</p>
Pedigo, Jack	<p>Public space must be PUBLIC. Special interest groups or any group that excludes others are not and should not be a part of a democratic system. Including such groups in a public space goes against the interests of the public and should not be allowed. References to such groups is the same as including said groups. In order to remain true to our democratic principles a moratorium of non-inclusive groups must be placed on our public space.</p>
Rogers-LaVigne, Judy	<p>People should have the right to use public property responsibly. It got irresponsible when GA decided to let the athiest group post a sign. Let me explain. Christmas trees, Nativity scenes, Minnorahs all represent ancient holidays celebrated in December. People who celebrate these holidays should be able to enjoy seeing the symbols in the Legislative building.</p> <p>The "anti" sign was nothing more than hateful rhetoric. It did not represent anything. There may as well have been an anti-semitic sign! To have placed it in the Capitol was foolish and just asking for trouble. These people should have the ability to express their beliefs but not when it is doing nothing but showing hate. They really have nothing to celebrate so why should they have been included?</p> <p>Simply keeping in mind the traditional holidays would have kept this from happening. It saddens me to think there will not be a minnorah. It is beautiful and the dancing was wonderful. It saddens me that there will not be a Nativity Scene. And I think it is plain silly to keep calling the Christmas Tree a Holiday Tree. It is only associated with Christmas and nothing else. No other holiday.</p> <p>Political correctness has made the state of Washington a lauging stock.</p>
Schmidt, Victoria	Gov. Gregoire,

Stakeholder	General Comments
	<p>After last year's semi-debauchle at Christmastime I have been thinking a lot about a possible solution to the problem. I realized that really the only one there is would be to not put any sort of religiously-motivated items in or around the Capitol building at this time of year. This, to me, seems quite drastic. I am not religious. I am Agnostic. But it is NOT my wish (nor the wish of any Atheist or Agnostic I have ever known) to take the joy of the holidays from people who do believe and do ascribe to such things. That said, while I don't want to detract from a joyful season I would just like to state that I do not consider it acceptable to have religious items in a place of government without the allowance of other religions or non-religious items, as well.</p> <p>I think that last year you did a wonderful job dealing with all that happened. I think you absolutely did the right thing in not only allowing the Atheist sign to stay up but also in allowing other people to put up signs, too. While it would be nice to take my daughter to the Capitol building for the first time to see the Christmas tree (because it is always beautiful) without having to wade through protestors and a plethora of hand-made decorum, I still believe you made the right decision.</p> <p>So all I'm asking is that this year, if any such religious items are to be placed in the Capitol building for Christmas, please also replace the Atheist sign. It might be kind of nice to have it on the opposite side of the building or something from any religious items but, for my own feelings and for those of us in the extreme religious minority, it would be an awesome sign of good faith to know that we are recognized as equally deserving of a holiday expression.</p>
Shanewise, Steve	<p>Please do not allow any written words, in any language, to be part of any display. The visual presentation should be able to speak for itself if it deserves recognition in the state capitol building.</p>
Stevens, Val Senator	<p>Earlier this year I took an interest and became involved over the issue of the public's access and use of the public areas of the state government buildings and grounds.</p> <p>Last year's holiday season displays in the Capitol Building seemed to inflame a number of people. Messages from constituents and comments made to me reflected the fact that they believe the Department of General Administration is heading in a dangerous direction. It was disappointing that instead of addressing the issues that have arisen, General Administration has chosen to shut down all displays in the Capitol Building under your proposed rules.</p> <p>It was not just citizens of the Christian faith who were offended by the atheist display placed in the Capitol Rotunda last year, but people throughout our state and nation. It is a mistake for us to use that incident to restrict political and religious speech within the state's most visible public forum. That is the easy way out, and I am not sure that it is constitutional. Certain public property is so historically associated with the exercise of first amendment rights that denial of all access to it for the purpose of exercising these rights would be highly suspect.</p> <p>The State Capitol is the place where people can bring their grievances, their ideas, and their opinions. It is essential that we promote and maintain the Capitol as an open public forum for our citizens. Oliver Wendell Holmes, a famous jurist, once said that "...the best test of truth is the power of the thought to get itself accepted in the competition of the market."</p> <p>Let me be clear, I am not advocating a "free for all" in the Capitol Rotunda. The First Amendment guarantees us the freedom to express our opinions, but there are obviously limits.</p> <p>By applying some appropriate time, place, and manner restrictions, we could preserve the Capitol Building as a space for displays that provoke thought and the exchange of ideas. We can allow individual to express their opinions while still maintaining the dignity of the Capitol forum.</p>

Stakeholder	General Comments
Tanaka, Janet	There should be a committee to supervise all displays in the capitol building - it belongs to ALL of us. Interfaith Works would probably work with or comprise such a committee. Ask them.
Tanaka, Janet	<p>I am an old lady (73) who has been involved in interfaith activities since the age of 14. I have served on a number of interfaith organizations, the most recent being the Interfaith Council of Washington and currently, Interfaith Works.</p> <p>I see two issues here; freedom of religion and freedom of speech. Other bodies have had rules about public displays - all or none. Every faith community (including Humanists) should have the right to display a suitable message. BUT, as in the laws regarding libel and slander, and in the spirit of just plain courtesy - none should have the right to publicly belittle, backbite, attack, or insult another faith or its members. Most, if not all faiths have a version of the Golden Rule. . .which was broken into itty-bitty pieces by the last disgraceful affair.</p> <p>Just as freedom of speech does not mean yelling "bomb" on a crowded 767, freedom of religion doesn't mean to publicly attack another's beliefs or their right to hold those beliefs.</p> <p>Atheists should be cleaning their own house, not tearing down others'. In the public arena let them promote humanism or human rights. Evangelical Christians should have the respect not to condemn everyone whose beliefs are different from theirs. You get the picture. . .</p>
Wesselius, Ron	<p><u>Public Testimony</u> Well, I guess I can say one question to the capitol created quite a ruckus.</p> <p>One of the things I would like to mention is your office, the GA office, has been great to work within the past few years. And I got to -- high praises for each of the people I've dealt with.</p> <p>One of the concerns I have with the new policy is you're kind of shutting down the 95 percent of Washingtonians that celebrate Christmas. These are people that pay taxes, they vote, and for a few -- small percentage that did not like it, their remark to the paper was, "That's what we wanted to do, get the manger scene out."</p> <p>When I came the first year and requested a nativity scene to be in place then, I said, "Hey, menorah has every right to be in there." I wasn't trying to push anyone out. It was totally appropriate.</p> <p>I feel that again the state has every right to have it. I do understand some of the concerns you guys have. I don't think you needed to have State Patrol sitting there protecting displays. You got better interests for them to be doing than protecting displays. I would be willing to, if it would make a difference on your display policy, put a disclaimer where the state had nothing to do -- you know, no liability with a nativity scene.</p> <p>Again I would like you to reconsider. If you have any questions or anything, I would be more than happy to give you references and stuff, but I appreciate this time.</p>

Response
<p>In crafting these rules, we carefully considered our objectives to balance the conduct of government business, public access and expression, and the stewardship of the historic capitol buildings and grounds.</p> <p>Consistent with these objectives, we determined that we could not effectively manage exhibits and displays inside the capitol buildings, as evidenced by the activities of 2008 and according to design, health, safety, operational and other such considerations.</p>

Response
<p>Consequently, under established case law we had to apply this decision consistently to all exhibits and displays, regardless of content or intent. For example, we may not prohibit displays that have religious content while allowing displays that are deemed political, cultural or artistic in content. Nor can we regulate the tone or content of a message.</p> <p>It is also important to note that many manners of speech remain available to people who wish to inform and advocate to government officials, including inside the capitol buildings. We have already scheduled a very active calendar of diverse free speech activities inside the capitol buildings to occur during the 2010 legislative session.</p>

Separation of church and state

Stakeholder	General Comments
Abrams, Kathleen	Regarding the religious displays, I very much insist that the separation of church and state be observed. The most successful societies observe the separation (and are the most secular.) So far, no one has been able to tell me anything positive that religion does for people.
Abrams, Kathleen	Believes in the separation of church and state. Religious displays do not belong in government spaces.
Andersch, Keith	<p>So this is how I feel on the use of the public grounds around the capital buildings. First of all, it is a public ground, paid with money from the tax payers of Washington State. There are all sorts of people and organization in Washington State. And there should be all sorts of displays on the public ground. As long as whatever is not hateful in anyway. We all have a say in public funds so it's best to not limit what kind of displays can be shown.</p> <p>I am an atheist, for the record. This rule was created in response to the Freedom from Religion Foundation placard that was up last holiday season. The placard could have been reworded a bit for this public venue (even though there is truth in it) but I stand behind the option of the FFRF to use the public grounds to share their opinions. This also applies to the nativity scenes.</p> <p>I hope all of the public can use the public areas around the capital despite what they believe (not including hate filled groups).</p>
Andersen, Diane	Please keep ALL religion's displays out of our publicly owned buildings and grounds. This is absolutely no place to have the ongoing ceaseless "mine's better than yours" tiffs over turf. It's disgusting and negates any goodwill any of it may have intended. Let these people practice their preferred religion in their homes or places of worship.
Anderson, Jason	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
anonymous	The capital should make all citizens welcome. To display religious icons alienates and divides. The only solution is to remain neutral as the Constitution asks government to do. This is not hostile to religion. Making a statement that there is no God would be hostile to religion and just as wrong as displays of Christianity or any other religion.

Stakeholder	General Comments
	Saying nothing is the no comment position.
Anton, Richard	Please do not allow the display of religious signs, status, etc. on public property. Separation of church and state is important to the well being of our country and citizens including those with religious beliefs.
Avery, Allan	The ban on ALL religion-related displays on the capitol grounds should be made permanent. (Yes, some of my fellow "Separation of Church and State" advocates are also too shrill.) Within the bounds of legal private conduct, Religion, freedom of it, and freedom from it, all, are private matters and should not risk appearance of government endorsement or support.
Banerji, Amanda	I applaud the decision to keep all religious holiday displays out of the state capitol. These displays and their attendant protests only serve to divide the people, serve religious agendas, and distract government from it's task of governing the state of Washington. The capitol is a place for the business of government, not religious posturing, and I fully support this decision.
Barbee, Rod	If ANY religious display is allowed in the capitol building during the holidays, then ALL religious and non-religious displays should be allowed as well. The simplest solution is to have no displays at all.
Barker Johnson, Todd	I encourage legislation that will prohibit the display of religious and material on state property, such as courthouses and the capitol. Such displays imply a state religion, which is expressly forbidden by the First Amendment. While individuals' religious beliefs are a key part of their personal identities, our government is obligated to remain neutral on the subject and not endorse a state religion; even the implication of doing so implies that those whose beliefs, or lack of belief, are not represented are inferior in the government's eyes. Please do not allow this to happen, and enact legislation that prohibits religious displays on state properties.
Barker, Darrell	<p>This written response is not an official position of Freedom From Religion Foundation (FFRF), it's members in total, nor it's legal staff, regardless, I come to you, not as its spokesperson but rather as a concerned member of FFRF and a friendly neighborhood atheist citizen of Washington State.</p> <p>I attended your September 22 public hearing today and came away with a few observations and considerably less questions. I must say, you folks conducted yourselves most professionally and business-like, thank you.</p> <p>OK, as you know, Washington State FFRF members originally objected to the State allowing a religious display within the Capitol building on grounds that it violated both the US and Washington State Constitutions prohibiting such endorsement of religion , so we, in the name of "equal time" sought a permit and was granted one for our display.</p> <p>Having a display was never our preference and has never been our goal for any of our other members' States as well. We would never have initiated a request for a permit--even though we are NOT a religion--to place an Atheist sign in our Capitol Building.</p> <p>For the good of America, FFRF members are strong defenders of free speech for all of its peoples, and religionists too. We support the free exchange of all ideas and desire for our world view to be given the same respect. We oppose theocracy within our secular government and expect our officials to abide by the "Establishment Clause." That is not too much to ask, is it?</p> <p>That said, . . . here we are now. I found it interesting when our meeting today when contrasted with the bullhorn throngs of religionists that came out to protest on the steps of Capitol last year, that those throngs, excepting only one speaker, were no where present, inside or out, during our meeting today. I'm not sure what that "says," but interesting none-the less.</p> <p>Nevertheless, I hope you are not swayed by that one speaker who argued from a "95%-majority rules" authoritative position.</p>

Stakeholder	General Comments
	<p>In closing, here's my delineated bottom line:</p> <ol style="list-style-type: none"> 1. No religious displays within the Capitol building or on its steps. 2. Keep religious displays restricted to no closer than 1000 ft from those steps. 3. No permanently affixed religious displays anywhere on the Capital Campus, defining them as temporary and quantify a reasonable and fair time frame. 4. Allow temporary religious displays in outside government owned areas that have been known and used in the past as places for public forums/meetings. 5. There is no need to be or appear to be "fair" towards religion by applying my above suggestions to all other things secularly expressed, because religion is already prohibited by the US First Amendment and our Washington State Constitution, Article 1, Section II where it clearly states: <p>No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment:</p>
Barker, Darrell Lee	I've contacted you before, but just in case you've forgotten, respectfully, we need to abide by the Washington State Constitution don't we, isn't this issue applicable?
Barker, Darrell Lee	If the Church and the State meet in the village square for a handshake, the State has lost one of its free hands, while the Church still has one too many.
Barker, Darrell Lee	<p>I must be clear, I am a member of FFRF, I am not their spokesperson. I am though passionate about keeping the church out of my government. Yes, GA, it is my government and you are my employees.</p> <p>I expect you to abide by the Washington State constitution, Article 1 Section 11, where it states: "No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment:" Come on GA, look around you, please, the church has a building nearly on every corner of "walk and don't walk" intersection in America, they already have influence with the public, they don't need you to support or enhance their presence. I don't need for you to bolster their superstition or any other religions either.</p> <p>You are instructed to be un-biased by our Constitution and I expect my government to abide by that rule. Blame it on the Constitution, for "christsake" (tongue in cheek)</p> <p>I might even argue that having a tree in the rotunda is contrary to what "the Lord" says in Bible, in Jeremiah 10, vs 2-5: Thus saith the Lord, Learn not the way of the heathen, . . . for the customs of the people are vain: for one cutteth A TREE out of the forest, 4: They deck it with silver and gold, they fasten it with nails and with hammers 5; . . . be not afraid of them . . . neither also is it in them to do good.</p> <p>I could argue that, but I won't because it's all fear mongering silliness. But as you can ascertain right there in the Bible, the Heathens had the tree celebrations before Christianity did. Does the state want to promote a Heathen tradition?</p> <p>Yes, these religious issues are complicated, but foremost, you are advised to stay neutral in such matters. Has FFRF applied for their permit yet?</p>
Barry, Matt	<p>I support the proposal to end displays inside the Capitol building, but I oppose the proposal to allow displays on the grounds of the Capitol building.</p> <p>We all learned from last year's fiasco that allowing competing displays on government property is a BAD IDEA. We had displays being stolen, hateful signs displayed, people screaming at each other. No one wants to see this happen again on government property, inside or outside.</p> <p>Private citizens can put up all the displays they like in their homes and/or houses of worship. But the state is NOT obligated to host such displays.</p>

Stakeholder	General Comments
	Please do NOT repeat the circus you allowed last year to take place anywhere on government property. Please STOP the religious divisiveness and acrimony. Displays should not be allowed inside or outside.
Barry, Matt	<p>It is NOT the government's job to host religious (or anti-religious) displays. That is for individual citizens.</p> <p>If citizens want to look at a plastic baby Jesus, read about the winter solstice, dance around a Festivus Pole, or raise a noodle to the Flying Spaghetti Monster, they can do so in the comfort of their home and/or their house of worship.</p> <p>This solution is a win-win. First, citizens can celebrate their holidays exactly as they wish. Second, the Capitol isn't turned into a circus and a national laughingstock.</p> <p>Your constitutionally acceptable choices are ALL or NONE. Any other option would be unconstitutional. (That is, you can't pick and choose.) You've already discovered that ALL leads to ridiculous results.</p> <p>Therefore, it is obvious that the correct answer is NONE. Ban all displays</p>
Barry, Matt	<p>I support the proposed rule.</p> <p>Your constitutionally acceptable choices were ALL displays or NONE. Any other option would have been unconstitutional. (That is, you can't pick and choose.) You made the right decision to ban all displays.</p> <p>It is NOT the government's job to host religious (or anti-religious) displays. That is for individual citizens. If citizens want to look at a plastic baby Jesus, read about the winter solstice, dance around a Festivus Pole, or raise a noodle to the Flying Spaghetti Monster, they can do so in the comfort of their home and/or their house of worship.</p> <p>This solution is a win-win. First, citizens can celebrate their holidays exactly as they wish. Second, the Capitol isn't turned into a circus and a national laughingstock.</p>
Bauer, Barbara	KEEP CHURCH AND STATE SEPARATE, PLEASE. THANK YOU.
Becker, Michael	As a former citizen of Washington state, I fully support the ban of ALL displays of faith in the Capital, and would prefer to see it expanded to all Government buildings. Faith or non-Faith is a personal issue, and should be left to the citizens to display on their own property in their own way.
Bettanny, Jean	I support a permanent moratorium on religious displays on government grounds. Keep religion out of government
Bichl, Fred	I want no display representing any religion or sect to be allowed in capitol buildings or on the capitol grounds at any season of the year. Legal weddings are allowed. Religious ceremonies for weddings or any other purpose shall not be allowed.
Boeger, Chris	<p>After seeing the large negative response to the freedom from Religions Placard placed next to the nativity scene. It is quite obvious that some religions believe that they have more rights to expression on public areas than others.</p> <p>Religion: a specific fundamental set of beliefs and practices generally agreed upon by a number of persons or sects: the Christian religion; the Buddhist religion. By this definition being a non believer is a religion. If only certain religious comments can be made on public grounds then no comments should be made.</p>
Boling Jr., William E.	I would like to let state officials know that I want to see NO display of anyone's faith (including atheists) in the Capitol building. The government must either endorse no belief system or allow for all beliefs systems to host their own display. The latter would lead to chaos as it did last year. The state officials and the citizens of Washington would be much better off simply banning such displays. If Christians want to put up a nativity scene, let them do it on their own property, in their own homes.
Briton, Wendy	Thank you for the moratorium on displays until we can all think about the long term

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	<p>ramifications; and remind ourselves of the purpose of the US Constitution and specifically the Establishment Clause, and the separation of church and state. I think that it takes a lot of courage to protect the 'little guy' which in this case is everyone who is not a mainstream Christian...and that includes about 1000 other religions and the Constitutionally protected choice to have no religion at all. When the government 'houses' religious icons, it is effectively endorsing them, so it's best to just not let anyone put their personal belief 'stuff' in the capital building or on any government facility for that matter. It's fine for people to demonstrate freedom of speech and their first amendment rights on private property and in 'open' spaces such as peacefully assembling in the street, but it's necessary for the government to stay at arm's length of anything that excludes even one American. I am encouraged by the inclusion of non-believers being mentioned in President Obama's speech for the first time ever in history! Times are changing for the better and we are evolving in a positive way. I am so thankful to live in Washington which is a tolerant state of true plurality. We are lucky to have 25% atheist and agnostics in this state living in harmony with 1000 different religions side by side. I love to see their beautiful displays at their churches and on their own land, but I do not believe that it belongs in our Capital. I entrust that our leaders in the great state of WA will make the moratorium permanent and allow the Constitution to be fully realized in practice. My gratitude to you for embarking on this ahead of the rest of America!</p>
Britton, Wendy	<p>You have made the tough but correct decision in upholding the Separation of Church and State by not allowing religious displays or otherwise in the Capital rotunda. Congress shall make no law respecting the establishment of religion... Thank you for doing your jobs well, it is much appreciated.</p>
Burns, Robert	<p>Dear Gov. Chris Gregoire:</p> <p>Please keep church and state issues separate in all government, including buildings and grounds. Religious matters are incredibly divisive already ... without adding their negative impact into the governing of all people represented in that government. Regardless of claims by religious groups to the contrary, the founding fathers of this country were very careful to keep all but the most generally and intentionally vague religious references out of the documents and system of government they created. They were specific only to restrict the influence of any particular religion, such as in barring religious tests for office and ensuring that religious preference was a freedom to pursue as an individual.</p> <p>I hope you will continue to restrict any religious and non-religious (think atheist, for example) use of government areas to further any of their agendas. Keep the government a true representative of all the people it covers, through not creating opportunities for any group to be perceived as somehow special or better than another through unequal representation of their beliefs on government property.</p>
Butzberger, Rick	<p>I am opposed to the use of our public facilities and spaces for religious purposes. If religious groups want to make a statement, they can use their own property to do so. The public sphere belongs to all of us. I find it offensive that certain religious groups think they have a superior right to use our common areas to promote their beliefs.</p>
Cahn, Jackson	<p>I strongly support making the current interim policy permanent and banning private displays on the capital grounds.</p> <p>Space on the capital grounds is limited; even if it were not access to the "best" locations would be. Should private displays be permitted, the GA would necessarily be required to make judgments about what did and did not constitute a valid religious display. Government has no place in evaluating the validity of religious expression.</p> <p>If the state allows any displays, they must allow all, opening the floodgates to displays some people may find offensive, as religion is virtually impossible to define in an exclusive manner. Any person who holds any combination of beliefs may constitute a religion, and the Constitution of the United States views all religious traditions as equal under the law.</p>
Capocy, Alyssa	<p>I wanted to comment about the use of public buildings for religious displays. As an</p>

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	atheistic citizen of Washington State, I'm very offended by nativity scenes or any mention of a Judeo-Christian god in the capital building, or in any public building. I feel that the church and the state should remain separate and I think that having displays like this on public property would send the message that one religion is favored over others, which is unacceptable.
Carr, M.D., John A.	Please make the moratorium on private displays permanent. Religion, and Non-Religion, do not belong on government public property. The whole episode last year shows how divisive religion in government buildings or property is. Private conscience is honored by keeping displays on religion, pro or con, out of the State Capitol. We do not need anymore circus atmosphere in Olympia or any other government location.
Carr, Michael T	I support a moratorium on private displays in the Capitol building. It seems that it should be a no-brainer. Why should a secular government promote displays that amount to proselytizing for or against religion? There are too many different viewpoints on these matters to fairly represent them all, so the state should simply stay out of it to avoid the appearance of supporting one view over the other. Religion, or its opposite, is not the state's business. Besides, permitting these inflammatory exhibits merely stirs up animosity and provides fodder for a pointless media frenzy that distracts from the real issues government needs to deal with.
Casey, Adam	The reason for religious freedom being included in the first amendment is the horrors that those of the founding father's generation suffered in the name of religion. Oppression of people on the basis of belief and forced indoctrination is an evil state of affairs. So an iron wall must be built to separate the church and state, in no other way can a slide to despotism on this issue be totally avoided. And so I feel it vital to stress that the state has no right whatsoever to decide which beliefs may be funded or supported by it. It then has two choices, fund every individual in his own beliefs or lack thereof, an insane chaotic proposal, or to place a blanket ban on all belief systems (religious, spiritual etc) from being so funded or endorsed. To me the only sensible proposal to ensure all are free to act is for the state to keep out and not display religious or other iconography of any belief system on its land.
Cat, Forest	Gov. Gregoire, The Washington State General Administration should permanently prohibit any private displays within any buildings and upon any of the grounds of the Capitol Campus. Any display of a religious or antireligious nature gives the impression of an endorsement by the state, may be offensive to those of differing views, and create a climate of exclusion of beliefs not represented. Furthermore, it is simply not physically possible or practical for every possible belief or opinion to be represented and therefore reason and fairness dictate that none should be represented when others are excluded. It is not the role of government to provide a forum the expression for any religious views. There should never be any holiday displays anywhere on the Capitol Campus with the exception of those placed by the State in recognition of strictly civic holidays such as Presidents Day, Independence Day, and Constitution Day. All seasonal holidays are associated with religious beliefs as they all have their origins in paganism, later adopted as Christian. The "holiday tree" exhibits are of pagan / druid origin and are now associated with Christianity. There is no neutral civic justification for the expenditure of government funds to erect and maintain these sorts of displays. Any displays anywhere on the Capitol Campus must be strictly limited to the legitimate conduct of government business.
Chambers, Elizabeth	Make the ban permanent. Religious displays do not belong on public property anywhere. Let churches, synagogues, temples, mosques, display any/all of their messages on their own property. There are dozens more of these than our state capitol. Capitol campus should be off-limits too.
Chambers, Elizabeth B.	I oppose any new regulations that would permit religious or anti-religious displays ANYWHERE on the capitol campus or state office buildings. Allowing nativity scenes, creches, menorahs, atheist plaques, or the incredibly NASTY stuff put up by the Westover Baptist outfit would make our capitol grounds a virtual

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	<p>trash pile.</p> <p>It's not as if we have a shortage of churches, synagogues, temples, mosques, shrines and other religious structures where owners can place anything they want inside or outside them.</p> <p>State property belongs to ALL THE PEOPLE. There is simply no way to decide fairly among applicants, whether for outdoors or indoors.</p> <p>Rest assured, the atheists will have their say too. And we'll have a "zoo" on state lawns.</p>
Chandler, Jess	Additionally, please insure that no religious displays are allowed on any Capitol property, whether inside or outside. It all belongs to all the people.
Chandler, Jessica	<p>Please make the moratorium permanent on private Capitol displays.</p> <p>There is not enough room for all views on religion, and selecting specific religions or even non-religion is discriminatory.</p> <p>Please maintain the separation of church and state.</p> <p>There are plenty of tax-free churches where they may display their own nativities.</p> <p>Private conscience is honored by keeping displays on religion (pro or con) out of the State Capitol.</p>
Chappell, Ralph	<p>I am a member of Americans United for Separation of Church and State (AU). However, the comments below are mine and mine alone and are not authorized by AU nor necessarily reflect the opinion of AU.</p> <p>Thank you for the opportunity to comment on proposed rules WSR 09-17-130.</p> <p>I believe in the past Washington State has made a mistake in allowing a creche, menorah, and sign from the Freedom From Religion group to be displayed in the Capitol Building during the winter holiday season. These displays can reasonably be interpreted to give the impression that Washington State gives its imprimatur to one religion over another religion and/or religion over non-religion or vice versa. In my opinion, these actions are constitutionally prohibited.</p>
Chuck	<p>Don't churches have enough tax-free land in your state? Why must they be in everyone's face with their myths?</p> <p>If they want to put up religious displays, they have plenty of room to do so without being challenged. Keep church & state separate!!!</p>
Chun, Randall	I absolutely support prohibiting all religious displays on the state Capitol grounds and indeed, in all governmental buildings. If we permit one, we then have to permit all. Where do we stop? Keep religion and government separate. Religions can have all the displays they want in THEIR churches, temples, synagogues, shrines, mosques, etc., but keep this stuff out of MY government buildings.
Church, Brennon	We should not allow any displays regarding religious belief systems (or lack thereof) in public buildings. Last year's fiasco should have clearly shown that we need to maintain a distinct separation between church and state.
Clamage, Stephen	<p>I applaud the temporary moratorium on all non-government displays, especially religious displays, in the state capitol. The events of last year clearly show that religious displays cause dissension and strife at a time when peace and love are supposed to prevail.</p> <p>There is ample opportunity for religious displays on non-government property, so no one can claim their rights are violated. Keeping religion strictly out of government is the only way to ensure religious liberty for all.</p>
Clark, Marilyn	<p>As one of many non-believers who reside in the great state of Washington, I wholly support the moratorium over private religious displays at the State Capitol. It is critical to individual freedoms to maintain the total separation of state and church.</p> <p>It is presumptuous to assume that Christian displays speak for all. It is illegal to spend taxpayer funds on support of religious dogma. It is exclusionary to non-believers as</p>

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	<p>well as to non-Christians to allow Christian displays on publicly-funded grounds and buildings. It is demeaning for the state to conflate belief in religion/god(s) with 'good' citizenship or patriotism.</p> <p>Please support the separation of state and church. It's to everyone's benefit, believer and non-believer alike.</p>
Clay-Poole, Teri	Please uphold separation of Church and State. Religious displays do not belong on public property.
Codreanu, Sergiu	It's very wise to keep the displays of special interests, religious and nonreligious alike, away from the State Capitol. The last thing we need is the repeat of the last year's "circus" around the displays. It only distracts us from the real problems our State faces.
Coffman, Vicki	Please keep religion out of our government. It is not what our founders wanted, and it is not right. We are a secular nation.
Cohen, Mirelle	From a practical point of view there is insufficient space in a Capital for all views on religion to be expressed. Separation of church and state is impartial to everybody. I support a permanent moratorium on private Capitol displays.
colleton, lee	Religious and anti-religious displays have no place in government buildings. Giving organizations access to erect displays and place signs implies support by the government which is specifically prohibited by the Constitution. Please continue the moratorium currently in effect.
Cooney, Kevin	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Cothary, Art	<p>Gov. Gregoire,</p> <p>I am writing to you to encourage your support of a permanent moratorium on private Capitol displays. I am unable to attend the public hearing in Olympia on this subject tomorrow. I believe that our Nation and State are better off adhering to the principles of Government non-intrusion in matters of religion. To allow public ground to advertise for the most vocal and belligerent is divisive and indeed an affront. Opportunities abound for congregations to display their beliefs on private tax-free property. Government is for all, all of us are the Government. Government by the people and for the People is secular and not sectarian. Thank-you for your consideration, Art.</p>
Cothary, Art	Religious or irreligious displays do not belong in a State Capitol. The Capitol is owned by all the people, and highlighting certain faiths (or non-faiths) is an affront to the principles of the U.S. Constitution, and a divisive influence upon the community. Please respect and support the opinions of all, and not just the loudest and most belligerent. Thank-you for your consideration.
Cox, Jeffrey	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Cox, Jeffrey	Please maintain a permanent moratorium on Capitol religious (and nonreligious)

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	displays. Please prohibit religious displays on my government's grounds and in my government's buildings. I am a proud atheist. The Constitution requires that Church and State be kept separate.
Cramer, Chris	<p>Dear Gov. Gregoire: Billings, MT</p> <p>Having been born in Monroe, Washington, and having continued to visit friends and relatives in Washington since moving to Montana, I feel a connection to the state, as well as a regional cohesion with all of the states in the northwestern United States.</p> <p>I would simply like to voice my support for a permanent moratorium on placing displays regarding religion or religious subjects on government property. Churches have their own property on which to advertise their beliefs and traditions, as do private citizens who may decorate their own private properties with scenes and signs declaring their own private religious exhortations.</p> <p>The point is, religion is private, and government properties are public.</p> <p>Please respect the dignity of all of Washington's citizens by declining to advertise in favor of any specific religion(s) on public property.</p>
Danks, Lois Radical Women of Port Angeles	Religious displays have no place inside or outside on the grounds of government buildings! Remember separation of church and state? I don't want religious displays held on property or in buildings paid for with my tax money!
Davidson, Sara	Keep religion away from the government, for government's sake as well as religion's. Trying to make equal time and space for every single belief system is a complete waste of time and money, and it's not worth it. The government should have absolutely no say in promoting religion. That's what freedom of (and from) religion means.
Davies, Jeff	I am writing to recommend a permanent moratorium on religious displays during the holiday season. The attention attracts bad news coverage and polarizes at a time when division is already high. Keeping church and state separate helps all of us get along and concentrate on what we have in common, not focus on our differences. Let's never have a repeat of the winter signage of 2008 again. Happy winter solstice for everyone!
Davis, John	<p>The separation of church and state mandated by both the U.S. and Washington State Constitutions should be sufficient reason to ban all religious displays in state buildings. The only constitutional alternative would be to allow every religious viewpoint, and every non-religious viewpoint, to set up a display. We don't have the physical space to accommodate that.</p> <p>I would prefer to see the ban extended to removing the Christmas tree as well. An argument can be made that evergreen tree has been used since pre-Christian times as an icon of the winter solstice, but most people call it a Christmas tree, and there are plenty of them on display elsewhere. The state does not need this expense when the budget is so tight. If it stays, it should be officially called the Evergreen State Winter Solstice tree.</p>
Derry, Pamela	I am a Washington state citizen. I object to religious displays in our State Capitol. Please make the moratorium on private Capitol displays permanent.
Doohan, Kevin	capitol buildings should not be used for any display of religion at all. It is a secular location, used for secular duties, and religion has no place there. Any display of religion will offend some citizens. There is no place for religion at the capitol.
Dotter, Louise	<p>Avoid the headache,</p> <p>Separate Church and State.</p> <p>May his noodly appendage touch you in wisdom. RAmen</p>
Ellis, Elizabeth	I support a complete separation of church and state. I see the government offices of places of business and professionalism. I see holiday celebrations as personal, private events that should not be supported by my tax dollar.

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	Therefore, I completely support your proposed rules to ensure a minimal amount of holiday clutter in our taxpayer-supported government offices.
Emanuel, MD, Irvin	I strongly object to the use of any public areas for messages of any religious nature, for or against. We are a very diverse society with people embracing many different religions, and embracing none. The moratorium on religious messages in public places should be made permanent.
Enquist, Michael	<p>These are my comments after reading the Policy Governing Public Use of Capitol Buildings and Grounds dated 08-21-09:</p> <p>Knowing that the policy changes were prompted in part by the incidents wrt displays of religious and non-religious materials last winter holiday season, I think it would be very important for the General Administration to map out all the "loopholes" with the current policy to be sure that groups cannot create for themselves an apparently unfair advantage, thereby prompting "retaliatory" displays and gatherings by other groups who feel slighted.</p> <p>Administrators of government-controlled space are in a very tight position. On the one hand, the current interpretations of the 1st Amendment to the Constitution require that government show now apparent favoritism towards or antagonism against any expression of faith or unfaith. On the other, if one group wishes to set up a display on government property, soon hundreds of groups will wish to do so, and like the fictional country in Lewis Carroll's "Sylvie and Bruno" the whole place will be covered with displays.</p> <p>My layman's read of the policy dated 8-21-09 is that groups will be able to apply for permits at the beginning of the winter holiday season, and leave their displays in place for 14 days. Do General Requirements #6 and 10, taken together, mean that displayed items must be removed by 11:00 pm and can be replaced at 6:00 am during the period of the permitted event? Do displays that are part of an event have to be accompanied by a person, or can they be set up and left for passersby to view?</p> <p>I think a good test of the level of tolerance legislators, who rely on the good work of the GA to make their environment easy to work in, have for public displays of religious and nonreligious items would be to limit such displays to their offices. Then, send out a press release stating that display items must be sent to the constituents' legislative offices on campus, where they will be set up in the anterooms. I think the legislators will quickly decide that equal prohibition of displays serves everyone best.</p> <p>Limit displays to private land where they can be as large as noise and sight ordinances allow, and private individuals and private groups can have as many nativity scenes and/or festivity poles as they like.</p> <p>(See the essay published on the MRSC website last fall: "Holiday Decorations on Public Property" http://mrsc.org/artdocmisc/display.pdf</p>
Feller, Bruce	<p>Gov. Gregoire,</p> <p>I am against allowing any religious messages to be displayed on state government grounds. Not everyone believes in christian myths and allowing religious messages to be displayed is divisive. It is not the government's job to promote any religion.</p>
Feller, Bruce	I support a permanent moratorium on private capitol displays. Religion does not belong in the state capitol. To avoid future controversies, keep all religious propaganda out of public government.
Feller, Bruce	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. Religious messages have no place on any government property.

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Fitt, Douglas	The display of any religious paraphernalia should be banned from all public areas owned or operated by a government agency.
G Johnson, Thomas	Religious and irreligious displays have no place on government buildings or property - period. The government should be in the business of governing and not promoting, encouraging or enabling religious authoritarianism including ANY religion and especially christian supremacy.
Garg, Anu	Please make the moratorium on private Capitol displays permanent. State should not be supporting (or discouraging) any religion. People are free to practice any religion in their homes or places of worship. There's no need to cause trouble by putting religious displays on the Capitol.
Gerhart, William & Doris	We believe that public buildings should have no religious material or exhibits of any kinds. Keep government and religion separate.
Gilbert, Steven	government and religion need to be separate, religion or any display do not belong on the State Capitol
Glen Radical Americans	The founding fathers despised organized religion. Keep it out of the schools or all of the smart kids are going to private school.
Goff, Patrick	No more religious displays please. I would not like to see the ugliness of FFRF return to the state capitol. No religious displays should insure that we have no anti-religious displays. Keep the wall high, stout and clean.
Goldstein, Andrew	I support the ban. NO display of anyone's faith (including atheists) should be in the Capitol building. The government must either endorse no belief system or allow for all beliefs systems to host their own display. The latter would lead to chaos as it did last year. State officials and the citizens of Washington would be much better off simply banning such displays. If Christians want to put up a nativity scene, let them do it on their own property, in their own homes.
Goldstein, Andrew	I support the ban. NO display of anyone's faith (including atheists) should be in the Capitol building. The government must either endorse no belief system or allow for all beliefs systems to host their own display. The latter would lead to chaos as it did last year. State officials and the citizens of Washington would be much better off simply banning such displays. If Christians want to put up a nativity scene, let them do it on their own property, in their own homes.
Goldstein, Lester	Gov. Gregoire, Because I was pleased to learn of our State's moratorium on displays inside the Capitol in Olympia, I was stunned to learn that the state is considering allowing such displays on state grounds outside the Capitol. Didn't we have enough embarrassment and worse last holiday season with all battling between different signs and messages in the Capitol? Don't these religious organizations have abundant other places for displaying their messages without spoiling State property? For goodness sake, let's avoid these conflicts in public owned space. Signs unrelated to government activities and functions only serve to make our environment and the public's temperament ugly.
Gowing, R. Parker & Clover B.	We gratefully acknowledge Governor Gregoire's directive to maintain a secular environment in the Capitol during faith-based holidays. We firmly support the comprehensive concept of separation of church and state, including all religions, faiths, believers and non-believers. Please expand the moratorium to prohibit religious and non-religious displays inside the Capitol to include all exterior venues as well. To permit any displays for any length of time is contrary to the concept of separation. Certainly individuals and groups have a right to assemble and celebrate, but to set up a holy scene as an extended public display is an affront to those who do not accept the dogma they represent. How much more appropriate it is

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	to marvel at the beauty of the whole government campus, filled with and surrounded by the iconic evergreens that are part of every winter celebration.
Gulick, Chris	To be fair and impartial, there is not room in a Capital for ALL views on religion. Religion, and irreligion, do not belong in the State Capitol, which is owned by everybody. Tax-free churches abound where nativities may be displayed. Everyone wins with state/church separation! Private displays in the State Capitol should be permanently banned.
Hadley, Karl	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Haley, Jeff	State government should take no action to cause any group to feel excluded from government participation. For this reason, the government should say nothing about religion or anti-religion. It should not sponsor a public forum for religion or anti-religion. It should not put up displays relating to any religion. "Holiday" decorations and a "holiday" tree are ok because they are not about religion or anti-religion. In future years, please continue the program set up for this year and do not go back to allowing private groups to put up religious displays.
Hammett, Valerie	The Campus needs to be utilized for free speech. Strict rules for posters, materials etc. seems reasonable but a ban on such does not sound legal or appropriate for a democracy.
Harlington, Erin	Gov. Gregoire, I am strongly in favor of a moratorium on religious displays, both inside and outside of the capitol. Let's not let any group put up a 'display' as someone will always be offended. Can't we just pick secular, winter themed decorations to celebrate during December? Lights and snowflakes work for me!
Harper, Debbie	I want religion out of government, therefore I either want EVERY single religious entity that wants to put up a display or NONE. Preferably NONE. That includes In God We Trust.
Hauk, Joyce	Please adhere to law of separation of church & state for displays. For example, the nativity scene should be on display in a church--not the government building. There should be no displays for any religion in the Capitol. I, also, think all prayers should be eliminated at meetings in government buildings. Thanks for the chance to submit my view.
hilbert, dan	Please, keep all references to religion out of state politics. The capitol is not the venue for a belief system. Do not allow another free-for-all to happen as last year.
Jacobs, Bob	Recent experiences with religious displays at the winter holiday period have reinforced my conviction that all such displays should be disallowed on the capitol campus. If even one religious display is allowed, there will be dozens dozens of such displays as other groups (appropriately) demand equal treatment. The result is inappropriate to the dignity of our state government and to the dignity of our wonderful capitol campus, and brings negative attention to us in the national media. Purely secular displays such as evergreen trees are entirely appropriate. Please prohibit all religious displays on the campus
Jade, David	Anything displayed in and around the Capitol gives the impression of the state's endorsement. Any sanctioned display should be something that the state government would have no problem claiming credit for. A display on fire safety, or something teaching history or civics -- anything along those lines would be fine, and outside

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	<p>groups should be allowed to request to display stuff like these if they choose.</p> <p>But anything that is either religious or anti-religious should not be allowed to be displayed, since the government cannot endorse either position. If the government couldn't legally display it, it should not be allowed to be displayed by anyone on state grounds.</p>
James, Gregory	<p>I'm a Wisconsin resident but this is really a national, constitutional issue. So please don't ignore this note.</p> <p>This is actually a really easy matter. If holiday season displays are to appear on public property or are to be supported by public dollars, they should be secular. If they are displays that in no way endorse religion or religious practice then no laws will be violated and everyone can share in the celebration. It is just that simple.</p>
Jarvis, Jon W	<p>Please don't waste any more time and money on this battle.</p> <p>Make the moratorium on any kind of religious display permanent.</p>
John	<p>I strongly oppose allowing the placement or use of religious symbols and displays on public grounds and buildings, including Christmas, Halloween or any other religious displays. By allowing the use of it's areas for the promotion of religion, the government itself becomes a medium for the promotion of religion, in clear violation of the intent of separation between State and Religion. Let those who wish to worship do so freely, at home, or at their own buildings. Government Land is an inappropriate place for religious displays, of any religion. No matter how "innocuous" such displays may seem for the religious, they are anything but to those of differing belief.</p>
Johnson, David	<p>This seems like a simple issue to me and I am surprised that there is so much discussion. Separation of church and state is part of our government ideals. It's also the reason America was founded. People were being forced to follow a certain religion by their governments and they crossed the ocean to get away from that. Churches are the places for religion. Government buildings are the places for governing. End of story. Please make the ban on private displays permanent.</p>
Johnson, Mark	<p>I think it's best to leave it completely secular and no religion favored by not putting any type of ornament or symbol up.</p>
Jones, Bob	<p>Support no exhibits or displays.</p>
Jones, Legrand	<p>Any symbol/expression of religious endorsement, preference, or abhorrence has no place in our public governmental spaces. And as we see from the events of late 2008, trying to allow for all view points is unmanageable, an inappropriate use of public funds, and leads only to selective: enforcement of regulations, security offered for the installations, and prosecution for vandalism or theft .</p> <p>It is an embarrassment to me that we have allowed the most recognizable symbol of the (c)hristmas/(c)hristian holiday to be erected so prominently in our states most prestigious building for as long as we have.</p> <p>There should be no tree, statement of non-belief, menorah, festivity pole, etc. in the public areas of our public buildings.</p>
Jones, Legrand	<p>Any symbol/expression of religious endorsement, preference, or abhorrence has no place in our public governmental spaces. And as we see from the events of late 2008, trying to allow for all view points is unmanageable, an inappropriate use of public funds, and leads only to selective: enforcement of regulations, security offered for the installations, and prosecution for vandalism or theft .</p> <p>There should be no tree, statement of non-belief, menorah, festivity pole, etc. in the public areas of our public buildings</p> <p>It is an embarrassment to me that we have allowed the most recognizable symbol of the (c)hristmas/(c)hristian holiday to be erected so prominently in our states most prestigious building for as long as we have.</p>

Stakeholder	General Comments
	Please add me to the e-mail list regarding policy discussion and changes to do with religious items being allowed to be displayed in public governmental spaces.
Jones, M	Please uphold the moratorium on all religious displays. Keep church and state separate.
Kane, David A.	I support a permanent moratorium on displays by private entities on Capitol grounds. If the displays are religious in nature then they will likely offend somebody of a different faith or those who are non-theistic. A cardinal rule should be to prevent situations whereby the principle of separation of church and state may be violated.
Kaufman, Pamela	I support a PERMANENT MORATORIUM on private Capitol displays. It is an embarrassment to the state of Washington to have the circus atmosphere of the past where religious and non religious entities used the Capitol. It is best to keep state and church separate.
Kenny, Gordon	In regards to the holiday display at the capitol, if the WA state constitution's clause regarding separation of church and state is being considered, it should be noted that paganism and atheism are recognized religions.
King, Greg	I just wanted to let you know that I think it is a violation of the separation of church and state to allow religious symbols, scenes, plaques on capitol grounds. I would hope that this law will be upheld and no displays of a religious kind will be allowed in the capitol, or outside on the capitol grounds.
King, Greg	I support the moratorium on public displays of religion on the Capitol Rotunda. I think the separation of church and state is a good policy to have.
King, Heather	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Kipnis, Constantine	I think that all of us have found the uproar over the religious display in the Capitol has gotten out of hand. I certainly support both the 1st amendment as well as the separation of church and state. Given this I think the prudent course of action is to support a permanent moratorium on private Capitol displays. No matter what the display - religious, atheist, other - if it appears on Capitol grounds it sends the message that the government is behind it.
Knopp, Brian D.	<p>Washington State should absolutely not allow any display of personal belief or lack of belief in any 'faith' system in the building as well as on the Government's property.</p> <p>I believe that this will be sufficient, as allowing all displays has been shown to lead to great controversy and will inevitably cause individuals to be left 'out of the loop' and others to feel 'offended' at a display which goes against their 'faith.'</p> <p>This recommendation is based upon, not only the above reason, but by an interpretation of the First Amendment, a part of The Bill of Rights, particularly a portion known as the 'establishment clause.' I believe that a Government endorsement or display of any religion or of non-religion is in violation of this 'establishment clause,' and constitutes respect to an established religion.</p>
Kris	Keep government property and practices free of religion. There is no getting around what "In God We Trust" means. It is a religious phrase and it should not be on anything that has to do with the government.
Krueger, Richard	<p>Gov. Gregoire,</p> <p>The state's moratorium on displays inside the State Capitol has my full support. But I also feel very strongly that the state should adopt a similar moratorium for displays on</p>

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	state exterior grounds. Nativity scenes and other religious displays do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Kuhn, Joni	I am writing to let you know that I fully support a permanent moratorium on private Capitol displays. Religion and irreligion do not belong in the State Capitol at all, whatsoever.
Kurlychek, Aaron	You saw last year how ridiculous so-called "Multi-culturalism" can be. There is no place for religion of any sort, or promotion of the lack of it in a government building. Let them spread their nonsense elsewhere.
Kurzban, Steven	This is not a matter of opinion, personal or popular. It is a matter of constitutional law and common sense. One cannot display anything religious without the certainty of offending someone and to do so on public property is breaking the law. There shouldn't even be a question as to whether christian displays belong on government property. In truth, there isn't any.
LaFehr, Joy	I oppose all public religious displays on government property. Religious displays should only be on private property. You have used good judgment with the current moratorium on displays and I hope this rule will become permanent!
Landry, John	Religious and anti-religious advertisements, displays, and decorations have absolutely no place in our State Capital buildings. There are already countless churches, club meeting halls, private homes, and private properties where such items are already allowed. PLEASE keep state and church separate, and our State Capital free of a circus atmosphere.
Larson, Kim	I support the moratorium on private Capitol displays. If you let one display in you have to let them all to be fair. There is not enough room for all the religions/non-religions that are represented in this state to set up holiday displays in the state Capitol. This is a secular state in a secular country no matter what Christians say. Keep State and Church Seperate. That is why this is such a great nation. We're all equal, not just some of us. The first amendment protects everyone so we don't all have to be Mormons or Muslims some day. Christians can set up their nativity scene on their own property or church property. If Christian Churches want to set up nativity scenes on public property or even voice their opinions in public then the government needs to take away their tax exempt status. You can't just put trees up every year. You need to have no displays or rotate religious displays from year to year. You can't just change the name of a Christmas tree to a Holiday tree. Do all religions have Holiday trees? Keep all displays off of public property all the time. If a display represents one opinion, view, religion, or paradigm then it will offend others. Government's role is to keep the playing field level. Don't tilt it.
Lawson, Joan	Re:Mmanger scene in the Capitol Building Government should not be promoting any religion or other ideology on the capitol grounds. Our state has imposed a moratorium on private displays in the Capitol. The moratorium should be permanent. Christianity is only one of many religions, and many of us have no religion. Religion can be practiced in churches and in homes, but should not overflow into government, schools and public places.
Lazar, David	As we are discussing government spaces, I have no problem with having displays in the public areas EXCEPT if they violate the Constitution of the USA by containing religious significance, or block access to those areas. We have separated church and state for 235 years. Local communities get dressed up for holidays and it is understandable that the government wants to be a part of the greater community. There are plenty of places for folks to display their celebrations.

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	But I believe the best way - the American Way - is to keep church and state rigidly separate. The state should not place displays against religions, and it should thereby not put in place displays supporting them (including irreligious ones).
Lee Zehrer, Terrence	Please make permanent the the moratorium on private Capitol displays.
Leopold, Scott	<p>The Constitution proscribes the government from supporting or suppressing any religious expression. But such expressions are personal, not sanctioned by government. The only equitable and lawful way to accomodate everybody is to ban all public displays of religiousity ON PUBLIC PROPERTY. Private parties are free to express their views privately. I oppose all religious displays of any kind on government or public property. We live under a strictly secular Constitution.</p> <p>Accordingly, accomodating public expression of any religious viewpoint is by its nature repugnant and violates the Establishment clause in spirit if not materially.</p>
Locatelli, Ron	I understand the State of Washington is planning to permantly ban the placing of religious signs and symbols in the Capitol building. I am in favor of the separation of church and state. Placing a symbol of Christianity is divisive and excludes those citizens and taxpayers who are non-Christian and non-beliveres. the State has no business endorsing one religion over another. Leave all symbols of religion out of government.
Lockery, Edward	<p>I believe the state capitol building should respect the separation of church and state by not displaying anything having to do with religious holidays.</p> <p>The state is the state. We should keep religion and anti-religion out of the sphere of government. However, if the capitol allows any public display of religious themes then it must allow "equal time" for any other group, including atheist or agnostic groups.</p>
Luecke, Phil	I want to express my firm support for a permanant moratorium on private dispalys of religious oriented material. Whether for (a) religion or against (any/all) religion. Keep the issue out of the public capitol.
Lukomski, R. A.	<p>I firmly believe that religion, and expressions of religion, are a private matter. If someone wants to advertise their religion/religious beliefs on their private property, I'm all for it. But following that logic, it is inappropriate for public areas to display items that support any specific religion, or the beliefs thereof.</p> <p>This would not apply to secular displays that reflect the season. And for those who say Christmas is a religious holiday, the reality is that for a long time it has been as much a secular holiday as Halloween (formerly known religiously as All Hallows Eve) and St. Patrick's Day.</p>
Mackiewicz, Thomas	When will the officials that allegedly represent all Americans at the Federal and State level, realize that it is highly unethical for them to publicly show favor to a specific religion by representing that religion within our government? Is it not as simple as banning all religious displays, in order to adhere to our seperation of church and state principles, and to ensure the equality of all religions, including the people of no religion.
mahoney, john f	<p>Please make the moratorium on private displays at the Capitol permanent. I believe it is better to separate the views of church and state and I believe it is a unworthy use of public official's time to try to mediate all the contention among groups.</p> <p>Thank you for your consideration.</p>
Mahoney, Margaret	I am writing in support of the decision to separate the interests of churches & government by NOT allowing religious exhibits on government property, during the holidays and year round. Exhibits on state property should be considerate of EVERY citizen & taxpayer. It is just as ridiculous to cater to one religion over others as it is to try to balance the concerns of all through multiple exhibits. Thank you!
malnar, joe	Please approve this rule, keep religion out of the Capitol! Separation of church and state is a Good Thing.
Mankser, Dennis Americans United	Below you will find the official position of Americans United for Separation of Church and State on the proposed rules for the public use of Capitol Campus. It is my intention

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for Separation of Church and State	<p>to testify at today's hearing, and to that end I will be arriving fairly early for the hearing. What is the procedure to follow? I've been to legislative committee hearings on proposed changes to the RCW, so I am assuming that this will be something similar.</p> <p>Dennis Mansker President, Americans United for Separation of Church and State, South Sound Chapter Olympia WA</p> <p>*****</p> <p>Americans United for Separation of Church and State South Sound Chapter, Olympia WA Policy Statement Re: Washington State Dept of General Administration Proposed Rule Changes Regarding Public Displays on Capitol Campus September 22, 2009</p> <p>Public Testimony We at Americans United for Separation of Church and State strongly support the proposed regulations' prohibition on temporary unattended displays inside any capitol building, while still permitting handheld signs at demonstrations and rallies. We do not need a repeat of last year's holiday display embarrassment. Though we support free speech, we all learned the potential hazards of an open public forum. Our Capitol building should be used to carry out the people's business, which includes allowing people to petition their lawmakers. But space is limited, thus a prohibition on unattended displays makes perfect sense.</p> <p>We have some concerns, however, about how the General Administration will handle temporary unattended displays on the Capitol grounds:</p> <ol style="list-style-type: none"> 1. There are competing constitutional concerns when private parties put up religious displays on government property. The Free Speech Clause protects peoples' rights to parade, demonstrate, rally, exhibit, and display information in open public forums, like the Capitol grounds. If, though, any of these forms of speech by private parties that involve religion could be mistaken for government speech, then the Establishment Clause would be violated. Or when the government's operation of an open public forum has the effect of endorsing religion, even unintentionally, the Establishment Clause is violated. 2. So, though the proposed regulations are very protective of free speech rights, the General Administration must also consider the Establishment Clause when operating the open public forum on the Capitol grounds. 3. Justice O'Connor explained in Capitol Square Review and Advisory Board v. Pinette (515 U.S. 753 (1995)) that if a private religious group dominates an open public forum, this may have the effect of showing governmental approval or endorsement of the group's religious message. 4. The proposed regulations could be easily changed to help avoid potential constitutional pitfalls. <ol style="list-style-type: none"> a. We very much support the required disclaimer for all unattended exhibits and displays and believe that the General Administration should require them to be large enough to be legible to all observers. b. We also support the 14-day limit on free speech and assembly activities. We also believe that the Department of General Administration should require that exhibits and displays should be dismantled before being redisplayed. (In other words, the 14-day limit should not be extended indefinitely by either the same group or different groups using the same display.)

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	<p>c. The General Administration should also consider a reasonable size limit for unattended displays so that one display is less likely to dominate the forum, that observers would not mistake a massive display for being something the government erected, and that the required disclaimer is proportional to the display.</p> <p>d. Finally, the General Administration should require a permit for temporary unattended displays. A permit would allow the General Administration to most easily enforce the proposed regulations' 14-day limit on free speech and assembly activities. A permit would also allow the General Administration to monitor where groups intend to erect unattended displays and ensure that there is no conflict among competing groups for the same space and time, thus better enabling it to maintain its first-come, first-served policy. The permitting and appeals process set forth for activities expected to include more than 25 people could be readily adapted for temporary unattended displays.</p> <p>5. We recommend changes to the regulations and implementing a permitting process so that unattended displays that convey a religious message are permitted in the open public forum, but are less likely to run afoul of the Establishment Clause.</p> <p>Americans United's national office would be pleased to work with you and answer any questions you may have.</p>
Mark	<p>All or none!</p> <p>Preferably, none.</p>
Mark, Jonathan	<p>I would like the state to disallow private displays (religious and non-religious) in the Capitol Building.</p> <p>I understand there is currently a moratorium on such displays, so I hope the moratorium will made permanent.</p> <p>The government need not provide a venue for private religious and non-religious displays - plenty of private venues are available. This will free up government resources for other business.</p>
marshall, cliff	<p>please make the moratorium on private capitol displays on the capitol grounds permanent. keep the capitol neutral, thats the only fair thing to do.</p>
Martin, Lyle	<p>I am responding to the rules changes regarding the use of capitol grounds during certain times of the year relating to the Nativity scene last year.</p> <p>Since all citizens pay taxes to maintain the capitol all should either be able to use those grounds in an orderly manor or all adisallowed. I saw no problem with what happen last Christmas. One scene presented a religious statement and the other presented a non religious scene. Both sides were represented. One should not have the ability to keep the other from its use. All should be treated the same. Yes to one the non religious was offensive and to the other the religious was offensive, but equality was given to all on public grounds as it should be so long as the appearance is reasonable.</p>
Maxwell, Sarah	<p>Governments at all levels, federal, state, county, and local, should uphold the First Amendment's separation of church and state. The First Amendment gives Americans the freedom to worship or not as they wish in their private lives and protects us all by having a neutral government. There should be no religious or atheists' signs on government property.</p>
McFarland-Smith, David Freedom From Religion	<p>It doesn't matter how large the majority is for religious displays, our constitution does not allow for this. Washington State must let its people enjoy the religion of their choice without pressure from the government to yield to one religion or another. I grew up in Seattle, I know the diversity that is present. Because you can not allow everyone's</p>

Stakeholder	General Comments
Foundation	point of view on governmental grounds, no religious display should be allowed. To be sure, the only displays appropriate are those that educate the public as to the secularity of our government. Something lost in public discourse since the Christian Right gained political favor with the conservatives.
McGurn, Linda	Keep church and state separate. There should be no religious displays on government property
McKenzie, A.	Please keep all religious displays off the capitol grounds this holiday season. It's not only inappropriate, but offensive to the non- religious. Thank you.
Meadows, Kriscinda	I support the FFRF efforts to keep religion out of and off state and Federal buildings and properties. Tax payers, including atheists and agnostics, pay for and should be equally represented by these government agencies, not alienated by them. The best way to do this is not to have dozens of signs crowding each other out with their message, but to have no signs at all. The buildings and/or properties need to stop advertising any belief system and stick to what it's meant to do: serve ALL of the people of the city and state.
Meads, Jon	<p>RE: Moratorium on Private Capitol Displays</p> <p>Please add my voice to those who support a moratorium on private displays on the Capitol Campus that promote either a specific political or religious point of view. Just as it would be inappropriate to display campaign posters for a candidate for governor or legislative office, it is just as inappropriate to display exhibits that promote, endorse, or publicize religions or specific religious points of views. Not only would such be a clear violation of the First Amendment, it would be a personal affront to those citizens who believe differently.</p>
Medina, Matthew	<p>This is in response to the use of the capitol campus for displays of a specific religious nature during the holidays, which this past year erupted in controversy and took away from the intent of such displays.</p> <p>Although this is a public space, allowing one specific religion to display its iconography (the nativity scene for example) opens the state government up to requests from ANY group, religious or otherwise, to display their own holiday iconography. While on the surface this could lead to a grand display of cultural and philosophical diversity, it will likely be impossible to accomodate EVERY such request. As a result, I would recommend that the state follow in the wisdom of our founders when they erected a staunch wall of separation between church and state, and refuse ANY request for displaying iconography of any kind, and instead simply use the space to erect the typical generic, secular imagery of the holidays (the yule tree, holly, tinsel and decorations, etc.).</p>
Meltzer, Bart	<p>I am against any religious displays of any kind for any occasion on any public property including the state capital. The state government can not possibly support all the possible displays thus forcing the state to choose which displays will be allowed. If the state chooses which displays to allow, it will be a "government endorsement" of that particular religion/belief/world view (ideology) as opposed to the displays not allowed.</p> <p>This situation also sets up a potential battle ground between religions/beliefs/world views to be the one chosen by government. Much controversy has already been generated because of this.</p> <p>Our state government can save a lot of money, time, and effort by simply not allowing any displays. More importantly, this is the only option that ensures all ideology are treated equally.</p> <p>Those who argue that not allowing their particular display is hindering their freedom to express their ideology, should be reminded they have the freedom to express their ideology on their own property/church/building, or any other private venue commensurate with state and local laws. They should also be reminded that they don't have the freedom to use our government to promote their ideology.</p> <p>Those in government office who wish to use their office to promote their ideology</p>

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	should also be reminded that their office is as a public servant and subject to the establishment cause of the First Amendment to the U.S. Constitution. They do not have the right to use their government office to promote their own ideology or anyone else's ideology. Government officials must remain completely neutral.
Memmer, Ramona	I strongly object to the state allowing public displays for TWO WEEKS on state grounds. It is one thing to allow people to gather and express their opinions but allowing signs and displays for two weeks makes it appear that they have official approval. Religious displays must not be allowed. Keep religion and state separate.
Merki, Jeanette C.	I think the moratorium on holiday religious displays should be permanent. I think our state capitol grounds should observe strict separation of church and state. No religious displays should be condoned period!!! If religious displays are allowed then all other non-religious organizations deserve equal rights to display.
Metzelaar, Beatrice	I'm very pleased for your decision to uphold separation of church and State rules/laws. No religious input of any kind on public grounds, it seems to me, is only lawful. Now, if we could only accomplish that nation-wide!
Miller, David P. Americans United for the Separation of Church and State	Please make permanent the moratorium over private displays in the State Capitol. According to the US Constitution, our government should be secular and not involved with religious displays. It's bad enough that Governor Gregoire proclaimed a week in October as Christian Heritage Week at the instigation of the religious right.
Miller, Mark	I am greatly concerned about the public display of religion and religious scenes. While I wholeheartedly support an individual's celebrating his/her own religion, I also strongly support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Miner, Jon	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Miner, Jon	Maintain the separation of church and state! Please make the moratorium over private displays of religious imagery at the capitol permanent! These displays have no place in the capitol I support with my tax dollars! !
Molsberry, Ken	I urge the state to adopt a moratorium on religious displays on state exterior grounds. I oppose the General Administration's plan to permit 2-week displays outside the Capitol and on other state grounds. Permitting such displays inevitably carries the appearance of state endorsement of those messages. We need to keep our Capitol grounds free of the religious acrimony that marred the inside of the Capitol last December.
Moore, Kenneth	Gov. Gregoire, The proposed GA plan to permit 2-week private religious displays outside the Capitol or on other state grounds is a bad idea. There are plenty of forums available for people to express their religious views on their own private property or at their tax-exempt church. The state government has no obligation to provide a forum for promotion of religion, and any such assistance amounts to state establishment and endorsement of religion. Please oppose the GA plan and help to prevent it from being adopted.

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Moore, Kenneth	<p>Please support the separation of religion and government, specifically with regard to religious displays on Capital grounds during the holiday season. There is not enough room for all religious views to be presented, and it is not the role of government to provide a forum for this purpose. Religious displays belong on private property or in churches, not on the Capital grounds.</p> <p>Please adopt a permanent moratorium on private displays in the Capitol.</p>
Morgan, Vern	There should be absolutely no religious displays of any kind at the state capital. The property is paid for by the taxpayers.
Mowery, Eric	<p>Hello to whomever actually has to read through these comments.</p> <p>I support the state's moratorium on displays inside the State Capitol, and I would suggest the state adopt a similar moratorium for state exterior grounds.</p> <p>Trees with lights inside and out offer plenty of holiday cheer and carry much less religious baggage. Throw in some snow men and a few penguins and a reindeer or two and you have a nice holiday display that does not favor one religion over another.</p> <p>Look at what happened at SeaTac airport two years ago as well as inside the capitol building. I remember as a teenager there being similar issues and that was way back in the 1980's. That these same issues continue to crop up today is silly.</p> <p>Thanks for your time and have a Happy Halloween :)</p>
myers, Sarah	Religious symbols and displays have no business being in the public areas if government buildings. As an agnostic I find it offensive that my tax dollars go to fund something that has no basis on fact or science.
Neufeld, David	Please prohibit religious displays on our state capitol. They are an inappropriate government sponsorship of religious messages whether such messages are for or against religion.
Nguyen, Andrew	Separation of Church and State means that the government should not promote one faith over another and also no faiths at all. I do not want a display of anybody's faith and lack of faith on the capitol building.
Nichols, T. Joy	It is imperative that separation of church and state be maintained for the protection of all religious individuals and organizations and for the protection and unity of government and secular society. In order for the minority and majority religions in this country to survive peacefully and without coercion, that separation should be maintained with regard to religious displays in public, government, secular space. Religious space is for religion and governmental space is for secular business by the people, for the people and of the people, many of whom are religious, some of whom are not, all of whom deserve to be free of public, visual, religiously coercive imagery, to which they may or may not object. People who like imagery, signs, and advertisements for religion may go to church and get it there. The public government space is not an appropriate space for any such blatant displays of arrogant religiosity, and taxes should not go to pay for such displays, regardless of whose religion is in the majority. No taxation without representation, and not every religious idea is representative of every American. Religion is supposed to be a personal thing; it should remain so; and its icons, concepts and images should remain in the private sphere of religious buildings and courtyards, not on government properties - state, federal, or municipal.
Novak, Joe	Keep religion out of government. Obey the First Amendment. There are plenty of religious properties on which to place religious displays. But if you choose to ignore the Constitution, then you'll need to ignore it for all. So, welcome the Church of the Flying Spaghetti Monster and every other hair-brained religion. And include signs that call religion what it is -- nonsense.
Nutt, Patricia	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol

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	<p>and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Odell, Rose-Marie	<p>It would be very user-friendly to have a new section in the rule that reiterates and references the rule sections relevant to the overall timeline for request for permit, request for services, GA response times, denial and appeal. I believe this would improve understanding of the rule and improve compliance. Thank you for the opportunity to comment on the rule.</p>
Parham, Robert	<p>I am an atheist, freethinker, and secular humanist. I find it offensive from both a personal and a secular point of view to have religious displays on my government's property. I support the separation of church and state in all matters. I hope that the governor and the legislature will recognize the the great diversity of the State of Washington includes religious diversity and non-beievers. You cannot allow a single religious display without allowing a display from ALL perspectives. They are numerous, as I'm sure you know. Please respect the beliefs of all your citizens by prohibiting these displays, not only on the capital grounds, but on all publicly funded property in the State.</p>
Pearson, George	<p>I am writing to you today to add my voice to those who believe state and church should be forever separate and that the Capitol is no place for any religious, or non-religious, displays at any time, but in particular, the Christmas season. The furor of last Christmas over the nativity scene and the atheist plaque in the capitol building was ridiculous and made Washington State a laughing stock. When I heard a moratorium was in effect I was delighted but now it's in danger of being lifted!</p> <p>From my point of view, there is no room for all views of religion, including non-religion and anti-religion, in the state Capitol building nor on the Capitol Grounds. The buildings and ground are own by ALL Washington residents. There are hundreds, if not thousands, of tax-exempt churches where nativity scenes may be displayed. It is their right to do as they wish on their property. Religion and non-religion do not belong in the seat of state government no matter how loudly the religionist scream and rant. It is a false argument that they are not allowed to practice their religion when their displays are banned from state and federal government offices and buildings and its time those of us who do not follow any religion have our voices heard. Personally, I'm tired of being told that my non-belief makes me a second class citizen (or worse) and that when religionist demand their view, and only their view of religion be accepted and honored, I am to sit down and shut up. For a very long time I have silent but I will no longer sit down and shut up!</p> <p>When the founders wrote the Constitution and the Bill of Rights they took great pains to insure the rights of the majority and the minority. The First Amendment is, in my view, the clearest evidence of that. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." When symbols of a "Christian" holiday are placed in the Capitol Building the State is saying that you endorse that religious view and that is contrary to the First Amendment.</p> <p>When Bill O'Reilly appears on Fox News (such as it is) and rants and raves that atheist have no standing and their opinions don't matter one whit; when fundamentalist Christians rally on the Capitol steps demanding special treatment; and when the Freedom From Religion's plaque proclaiming their minority view is stolen and great cheers go up on right-wing radio and television it proves how divisive religion in government buildings can be and has been in this state.</p> <p>State and Church MUST remain separate. In the long run, both grow stronger when the separation is strong and well defined. The issue of religious displays is only one of</p>

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	<p>many where state-church separation must prevail. Currently there is an initiative on the ballot (or appears that it will be on the ballot) in the next election over-riding the "everything but marriage" legislation that was passed last year. It is the religionist who demand the law be changed and it is strictly related to the religious aspect of marriage completely disregarding the part the State plays in marriage. "Holy Matrimony" is a church issue, marriage (license, community property, estate inheritance, etc) are all state issues and should remain separate.</p> <p>It is my hope that you, the members of the Rule-Making Committee or the General Administration make the moratorium permanent with no exceptions. Religious displays do not belong in the Capitol Buildings nor on Capitol grounds. Many states have already faced, and lost, law suits on this very issue. I'm counting on you to "not sit down and shut up" when it comes time to make the rule that is fair to everyone.</p>
Pedigo, Jack FFRS, Brights	<p>I recently sent in a letter supporting the state's moratorium on displays inside the State Capitol. This moratorium should also apply to the exterior grounds of the state capitol. Nativity scenes or any other special interest displays do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December. Allowing religious (Christian or otherwise) will open the door to more angry debate and cause additional problems for the state and Governor. I would ask is the state so afraid of the religious right that they are willing to give into their unconstitutional demands? Hopefully not.</p>
Petroni, Christopher	<p>A permanent ban on religious displays in the state Capitol building is exactly what Washington needs to prevent the sort of debacle that unfolded last year. Our nation's founding document forbids the entanglement of government with religion for exactly that purpose. Please keep the ban permanent!</p>
Pfeifer, Glenn L.	<p>There cannot be favoritism regarding displays in the public areas of the Capitol buildings and grounds -- either there can be no displays with religious connections or the area must be open to all such. It does seem that the "all such" would most likely be unmanageable, so, even though certain displays have been traditional, it should now be recognized that such traditions were in fact improper.</p>
Phillips, Shane	<p>Public buildings, parks should not be allowed to "advertise" or promote their religion or lack of religion. Religion/Churches already get tax benefits and they also advertising on bill boards. Keep them out of our government and other public offices.</p>
Pineo, James	<p>There is no need for religious imagery in public buildings, there are plenty of churches where people can worship privately. As an atheist I find it very disrespectful that a public institution should even attempt to allow for any religious propaganda by any particular religious organization. We are a plural society, the religion of one man is the bane of another.</p>
Prinz, Judith	<p>I oppose the General Administration proposal to allow religious displays on the Capital grounds. Separation of church and state must be respected.</p>
Query, Evan	<p>I feel the capitol (and any public land) should be used solely for the business of the people. Both a nativity scene and a "counter scene" are unwanted and unnecessary in the course of doing the business of the government. It's not a bad thing to ask people to keep religion in its own house, the house of God.</p>
Quinn, John	<p>Gov. Gregoire,</p> <p>I am deadest against allowing anyone or organization to establish anywhere on public lands for an extended periods; their right to assemble peaceably, carry signs and placards is fine with me, as long as they take them home when they leave. I cannot imagine why the State would want to be placed in a position of deciding which display is acceptable and which is not – it is all a distraction from the state's business, and we need to focus on that. To pass this into law would open up a can of worms for the</p>

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	State to broker between different parties with different messages.
Quinn, John	<p>I do not understand why this conversation is even going on. Religious organizations as well as non-religious organizations have their own property (in most cases taxpayer subsidized) to display whatever they wish. Why then would any of us even consider making public property available to some group to further advertise and proselytize their brand.</p> <p>I am dead set against the use of public property by religious organizations, of which there are many flavors. By even discussing it you are setting the stage for very distracting battles royal.</p>
Ragan, Angie	Religion and irreligion do not belong on/in/around the State Capitol, which is owned by everyone. There are countless tax free churches in the Olympia area where nativities can be displayed. Keep state and church separate.
Remy, Douglas	I understand the Capitol Campus has a temporary moratorium on private displays in the Capitol. I would support making this moratorium permanent. This will address the problem of religious displays appearing to have the endorsement of the state. There are plenty of holiday displays in the private and public spheres already.
Risha, Benjamin	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Roeder, David Inland Northwest Freethought Society	Do you understand why civilized governments tout themselves as a nation of laws? It is not because codified rules are necessarily more judicious than a judgement given by some authority. It is because codified rules compell authorities to think about their judgements. This is why we are not some goddamn theocracy. Our elected authorities are compelled to THINK. This is in sharp contrast to theists who value reverence and submission to an unfathomable abstraction: god. Do not let those who prostrate themselves before an abstraction do so under the collusion of government authority. Keep the god-addicts off government property, both inside the capitol and on the exterior grounds.
Roeder, David	<p>Although glossy-eyed historical revisionists would prefer that everyone goose-step to the "rum-a-pum-pum, rum-a-pum" of their notion of what constitutes a patriot American, those of us with a healthy inoculation of skepticism know that separation of church and state is what has provided our citizenry the space to exercise the religion of their choice. Even if the 'oppressed' theists among us cannot take an objective view of our historical origins, they should at least recognize the controversy from more recent history: namely December of 2008. Wasn't that a nice 'cum bi ya' moment?</p> <p>Let the 'god heads' promulgate their rituals where they are welcome. The government square is neutral ground. Let us keep it clean.</p>
Rogers, Phil	<p>Gov. Gregoire,</p> <p>Please prohibit religious displays on ALL state property, as well as on the Capital Campus.</p> <p>True religion is a private matter, not a public matter!</p>
Rogers, Phil	<p>I am glad that religious displays are not going to be allowed at our capital. This reinforces separation of church and state. I hope that this becomes a permanent rule!</p> <p>Religion, or lack of religion, is a private matter, not a public matter.</p>
Rosch, Michael	I strongly think you should ban all forms of religious and anti-religious displays. They are just too divisive and run the risk of violating the Constitution. I recommend instead

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	<p>using non-denominational seasonal displays like snowmen something that celebrates our diversity like the Tree of Knowledge that was erected in Philadelphia last holiday season: http://www.firstglancefilms.com/philadelphia/shortonlinecontest</p> <p>The winter season is supposed to be a time of coming together, and religion is just something that nobody is ever going to agree on. You're be less divisive promoting a particular political party. Just ban all religious displays.</p>
Rubel, Darcy	I encourage you to make the moratorium permanent, since it seems like there isn't room for all religions and non-religions to be represented equally. I feel that as a nation built upon many different cultures it is not a good idea to promote only a few religions that make the most noise.
Rybock, Jim	<p>I support the state's moratorium on displays inside the State Capitol. In addition, I urge the state to adopt a similar moratorium for state exterior grounds.</p> <p>Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds.</p> <p>The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages.</p> <p>Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Santosa, Ansel	This issue is black and white. There are only two solutions allowed under the constitution. Either allow any and all organizations, religious or not, set up displays, or ban all displays. I think we can all agree that the former would spark the same chaos as last years incident so please, do not allow ANY displays this year, Christian, atheist, or otherwise. Nativity scenes are pretty 'n' all, but they belong on private property. Allowing them on government property, or worse, allowing ONLY them on government property is a flagrant violation of the constitution.
Scheibel, Douglas	<p>Please observe the constitutional requirement of separation of church and state when revising the rules for holiday displays in the capitol. There are far too many religious traditions and faith communities in this country to accommodate them all and you may not exclude any of them if you allow just one (or two etc.). The government is not supposed to be a religious arbiter and I personally do not want to see the capitol building or grounds used as the site for a religious carnival.</p> <p>Avoid divisiveness by barring any and all religious displays.</p>
Schiebel, Douglas	I believe in the separation of state and church. Please no religious displays in the capitol during the holiday season.
Schiffelbein, Jerry Humanists of Washington	We believe that it is in everyone's best interest to keep government and religion separate, and the best way to implement this policy is to not show favoritism towards any group or organization. Therefore, we favor a policy that does not allow any group to place private displays on public property.
Schlicht & Family, Steve and Teresa	<p>It is fair and reasonable to keep church, mosque, temple and synagogue separate from secular government so that cherished traditions can be preserved within a diverse community who hold a variety of different world views and philosophies.</p> <p>In this way, peace and equality is maintained for all.</p>
Scutt, Sarah	I am in support of the full separation of church and state. Permitting any religious displays in public government property is an endorsement of that religion.
Seidensticker, Bob	Let's avoid a repeat of the holiday display problem we had last year. I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and

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	on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Shaffer, Susan	I really do hope you do not begin to allow State capitol grounds and campuses to be used by religious groups for displays. It's wrong inside the buildings and it's wrong outside. It is divisive and exclusive and it is insulting to many. We have had enough of people using religion to try and delegitimize others. Please do not allow this to go forward. Let's keep religion and religious icons and public state places separate.
Sirag, Leslie	Freedom of religion means the right to hold services in your tax-exempt church, synagogue, mosque, temple, privately owned or rented facility, or home, and to live a life directed by your beliefs. It does not include the right to subject others to religious displays, proselytising, or other unconstitutional religious manifestations on public property.
Sirginson, Richard	<p>I sense that many Religious advocates, like military zealots, alley ruffians, thugs and other 'control freaks' need to force consensus in order to give substance to their beliefs, attitudes and feelings. Religious displays in 'unclaimed' territory, (Public Property), become a media for the Religious message. The free Public cannot surrender any part of the Public domain to the Religious interests without total abdication that abandons the reality of a free America.</p> <p>Advise those trying to display on Public property that they can negotiate the privilege only after Religious property is open to similar public use including Atheism.</p>
Smith , Deborah K.	I wholeheartedly support a permanent a permanent moratorium on private Capitol displays especially those with any religious affiliation whatsoever. Religion and it's advertising is not appropriated in publicly owned government buildings. I don't believe they should be allowed on the grounds, either.
Smith, Gail S.	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Religion generated displays are no more apt for State or Federal exterior grounds than they are for inside the public buildings. Such displays are quite different in nature than what is meant by or in accord with the First Amendment's provision for citizens to peaceably assemble to redress their government for grievances. The First Amendment does not require the government to let citizens plant displays with their personal beliefs on state grounds for 2 weeks. This is truly unwise policy and the State has no legal obligation to create such a "public forum." Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious, and free of the religious acrimony that marred the inside of the Capitol last December.
Stiefel, Todd	I would like to see no religious or atheist displays on public land. It needs to be equal and the only way to do that without a mess of displays is to put up none.
Stiefel, Todd	<p>Eliminate the madness, please.</p> <p>This one is pretty simple. Do not put up any displays for any religious or non-religious groups. This is clean and legal. If anyone wants to put up displays for their holiday's, that is great; just let them put it up on their own land, not public land</p>
Stone, Giancarlo	I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. While the First Amendment requires the State of Washington to allow citizens to assemble at the Capitol, the State has no legal obligation to allow such extended length displays. Indeed, the State has instead the legal obligation to avoid the appearance of endorsing such divisive messages. Grass, flowers, shrubs and trees, yes. Fountains and benches sure. The occasional statue of a legislator, okay. But displays of belief in supernatural entities, no,no,no. The state must remain well separate from those. Not inside the Capitol and not outside on its grounds.
Stone, Kenneth	I support the good judgment of having no public displays of any kind around the topic of religion or lack thereof... separation of church and state must be obtained, maintained

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	and preserved.
Strandskov, Kai	I expect my government to prohibit the display or endorsement of religion on public property, including in the state capitol building. Public endorsement of religion is unconstitutional. Prohibiting such acts makes it clear that Washington State abides by the United States Constitution, and even better: it avoids the eventual controversy that always arises. This in no way hinders religions from promoting their messages on their own property.
Sutton, Eliza	Private groups and private citizens have the freedom to express their views and beliefs, but not the right to use public grounds for a display of these views and beliefs. I heartily urge the state to adopt a moratorium on private displays on the grounds & exterior or the Capitol and other public buildings. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. Permitting such displays inevitably carries the appearance of state endorsement of the messages they convey. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Swanson, Wendy	<p>In regards to these public displays, giving permits for them inevitably carries the appearance of the State's endorsement of those messages. The First Amendment does not require the government to let citizens plant displays with their personal beliefs on state grounds for two weeks.</p> <p>I would rather not be greeted by nativity scenes and other divisive and inappropriate religious displays on any of our Capitol's grounds interior or exterior. Please, for the sake of sanity, let us keep church and state separate. This seems to me the safest ground to stand on.</p>
Swanson, Wendy	<p>I am contacting you about the display moratorium that is in effect through the end of this year. I would like to see the moratorium made permanent.</p> <p>Religious and irreligious displays do not belong in our State Capitol or on it's grounds. Churches are plentiful where nativity displays and other religious signs are displayed. We should adhere to the separation of church and state. If we don't, we can expect to see more of the ridiculous practices we had taking place last December this year and the next. That fiasco only proves the reason why religion and government don't mix, no matter what side one is on.</p>
Swanson, Wendy	<p>I am contacting you about the display moratorium that is in effect through the end of this year. I would like to see the moratorium made permanent.</p> <p>Religious and irreligious displays do not belong in our State Capitol or on it's grounds. Churches are plentiful where nativity displays and other religious signs are displayed. We should adhere to the separation of church and state. If we don't, we can expect to see more of the ridiculous practices we had taking place last December this year and the next. That fiasco only proves the reason why religion and government don't mix, no matter what side one is on.</p>
Tarico, valerie	Thank you for imposing a moratorium on private displays in the Capitol Building. Religion has been encroaching into the public square in all kinds of ways. I believe that our government policies should be guided by evidence and reason and virtue, not ideology, and I think that our public spaces should reflect our governmental process. Please make the rule permanent.
Taylor, Gabriel	<p>The Capitol is an inappropriate location for private religious displays!</p> <p>The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Teichman, Robert	The capitol buildings and grounds are the political center for all citizens of the state and because our constitution requires that the state and the church must remain separate,

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	<p>no religious holiday can be celebrated there.</p> <p>Furthermore, these buildings and grounds cannot be used to advertise or promote any religious ideology.</p>
Thomas, Hazel N.	I strongly support the proposal to keep church and state issues and customs separate. Since there is not equal space on the Capitol grounds for all religions to display their holiday beliefs, then they should be delegated to the various organizations property.
Thompson, OD, Willow	<p>Please Keep Our Capitol Secular!</p> <p>Dear State Official: September 28, 2009</p> <p>I support the moratorium proposed by the State of Washington over displays inside the Capitol in Olympia. This is a step in the right direction in keeping State and Church separate. However, I think there is another First Amendment problem being created. That is to do with religious displays on the exterior of state property. What is not appropriate inside state property is also not appropriate on the grounds of state property.</p> <p>Here is the problem:</p> <p>While it's great that it appears the State will no longer permit nativity or other displays inside the State Capitol, it seems to be advocating the formalizing of rules to permit displays, including nativity displays or other religious displays, to be planted on capitol and other state grounds for two weeks at a time. Nativity displays do not belong outside of our Capitol Building, anymore than they belong inside it. To say that these rules are "content-neutral" (anyone with any message may apply for a permit to place a display for 2 weeks) only opens the door for theocratic groups to plant creches, menorahs and other religious displays (presumably crucifixes at Easter) on state grounds. I find that an intolerable corruption of the wall between church and state.</p> <p>The Policy Governing Public use of Capitol Buildings and Grounds, submitted by Linda Villegas Bremer, Director, General Administration, reiterates the rights of citizens to obtain permits for gatherings, protests, etc., and for protesters to carry banners, placards, etc., in accord with the First Amendment's provision for citizens to peaceably assemble to redress their government for grievances. This is essential to civil liberty. I support that and find it a beautiful part of our democracy. But the First Amendment does not require the government to let citizens plant displays with their personal beliefs on state grounds for 2 weeks! This is unwise policy.</p> <p>I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Tisdall, Rose	It is absolutely unacceptable for the state to endorse one type of faith (Christianity) over others. Either the state should ban all displays or allow any group who wants to set up a display access to public areas. All or nothing.
Toycen, Robert M.	Keep the State Capitol and all public grounds secular. Mythical Christian beliefs have no place on public property, now or ever. Don't cave in to religious fanatics, their days are numbered.
Toycen, Robert M.	There is no place in the Capitol buildings or grounds for any type or form of religious displays. Most of our founding fathers of our country knew there should be a complete separation of church and state. Our country was founded on freedom from religion as well as freedom of religion. It's time for us non religionists to take back our country and

Stakeholder	General Comments
	government for all citizens. Make this separation permanent at all state and government buildings and public property. Thank you
Troyer, Jennifer	I'd like to see my state capitol honor the "Separation of church and state" by not having symbols of a religious nature on the grounds or in the buildings. It should be easy enough to celebrate the holiday spirit without including any single spiritual belief.
Ufgood, Willow	Here's your solution: No religious displays; keep Christmas Trees, they're not religious... call them "Tannenbaums" if you want to, it's the original name and it's not religious. (It just means fir tree.)
Van Houton, Freda	Supports a permanent moratorium or ban on any type of displays and exhibits in the campus buildings. Religious displays, in particular, should be done on private property. Such displays in public buildings are divisive and have no business in public areas.
Van Valkenburg, Don	<p>I think the state should follow the spirit of the 1st Amendment and maintain a clear separation of church and state. This is not only the moral thing to do, it is the Constitutional thing to do.</p> <p>Allow no displays, posters, art, or words in the public space that is of religious or non-religious nature.</p>
Variable, Variable	<p><u>Public Testimony</u></p> <p>One major reason to keep church and states separate is to protect the church and protect the state. However, the state has an interest in promoting general knowledge as -- you know, as evidenced by schools and, you know, the statues that are historical within the Capitol. And as a result I think that the state doesn't need to, you know, allow any kind of content into its headquarters.</p> <p>So when it can't discriminate against other religions. It can't be preferential, but it can discriminate against all religions. So I -- you wouldn't want to let a Muslim display versus a Protestant, but if you don't let any of them, that makes sense.</p> <p>And as -- Since the question of whether there is a god or not is an empirical question, you can actually determine this and test it, and there isn't a god. As a result you have a justified and, you know, reasonable interest as a state of promoting that knowledge.</p> <p>And so I think that the proposed rule should be amended to allow certain displays but not religious displays.</p>
Vaughan, Curtis	Keep the separation of church and state by not permitting the display or the use of public areas for any religious purposes. In the event such permit is allowed (although a violation), then ensure that all other religions and secular organizations are permitted equal access.
Veto, Ken	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Viceroy, Andrew	I am a Portland resident who has family with businesses in WA and I am writing to support the separation of church and state in all government buildings. Secular means neutral. Secular is not anti-religious, it means "no comment"- everyone wins. Anti-religious is what everyone saw posted in the FFRF sign- but theists have to understand that it was placed only to balance the anti-non-religious messages inherent in religious imagery. The truth is that the non-religious want both religious and non-religious displays out of governmental buildings (secular). I hope theists realize that religion has nothing to do with ethics or civic duty and that their fight to have government represent religion unnecessarily misrepresents its non-religious citizens. All citizens should be represented or none, and since the former is not practical (even absurd, as we saw

Stakeholder	General Comments
	when the signs started pouring in), none is best. There is a reason for Jefferson's Wall, it lets government do its business more effectively, because it lets it do it with neutrality. Religion should make its case by reason in the civilian realm and not as governmental propaganda.
Wahlstrom, Jerome	I would like to see religion kept out of government. Looking at governments around the world, it would appear that the more religion mixed with government, the less freedom those people have. Also, does the State of Washington really have room for pagans, devil worshippers, buddists, zoastrians, odin worshippers, and all the other religions in the world? If not, then the State would have to start choosing which religions can appear on public property which would be unconstitutional. There are plenty and enough displays of religion on private property.
Walker, Ruth	Religious displays have no place on public property. Surely there isn't room for such from EVERY possible religion as well displays from those having no religion.
Walkinshaw, Jeannette	<p>I don't believe any public lands should be used for religious/secular displays. This could get dicey as even "christmas" trees (originally used to celebrate Saturnalia, solstice,etc. prior to 0 B.C.E.)could be defined as religious symbols for animist religions. Same for bunnies, eggs & baby chicks used as symbols in ancient fertility rites celebrated at the vernal equinox. Best to leave any symbol which could be defined as religious off public property.</p> <p>Just do a fall,winter,summer & spring display using the appropriate colors OR display nothing at all. Make those "tea party" people happy by not using tax dollars.</p>
Wawrzycki, Mike	<p>KEEP CHURCH AND STATE SEPARATED!!!</p> <p>"The two documents upon which our country was founded - ie, the Declaration of Independence and the Constitution of the United States contain not a single word about Christianity, Christian principles, the Bible, or Jesus Christ...The Christian clergy of the Revolutionary period tried again and again to have references to Christianity inserted directly into the US Constitution, but they were refused every time by the Founders. Two 'Christian principles' may have indeed influenced the Founding Fathers. One was the Puritan practice of executing witches, the other was King George III's absolute mandate that his subjects worship in a manner approved by the Church of England...Witch burning and mandatory church affiliation are only 2 of many issues which led the Founding Fathers to establish a 'Wall of Separation between Church and State,' allowing, at each citizen's discretion, freedom of religion or freedom FROM religion...The National Motto was not changed to 'In God We Trust' until 1956. Likewise, the phrase 'under God' was not added to the Pledge of Allegiance until 1954."</p>
Weaver, Dianne	Re Capitol holiday displays: A decorated fir tree is acceptable and even appropriate in celebration of the holiday season. No other religious, quasi-religious, or religious alternative types of displays should be allowed. If the doctrine of church/state separation is not a compelling enough reason, then the threat of becoming the laughing stock of the nation again should be.
Welden, Darrel	I think it is best if we keep church and state separate.
Wendita	Separation of Church and State is the way it was written and is supposed to have been from the beginning. Read the Declaration of Independence and pay close attention to the part about leaving England to escape the tyranny of the Kind's religion. I am not sure why this is even an issue, it should be a permanent moratorium in WA and every state...I am proud to be a second generation Atheist American and living in WA where we enjoy a 25% voting population of atheists and agnostics living in harmony with every other faction of religion. I want to thank you ahead of time for being courageous enough to make this a permanent law and in setting the stage for the other 49 states to follow us. WA is a great state and we have a great opportunity to set ourselves ahead of the curve and to lead America into a positive future that is safe and comfortable for every American.
Wenk, R Jeffrey	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol

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	and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Wenk, R Jeffrey	The history of this issue, particularly during last December, shows how divisive religious displays can be in government buildings. There are plenty of private venues for these displays that don't violate church/state separation. Please make the moratorium permanent.
Werden, Gene	I support a permanent moratorium on private Capitol Displays.
westler, robin	<p>The capitol is a place that should represent ALL people of Washington state. Please restrict displays that represent a particular group of people or their beliefs. I find it particularly alarming to see religious displays shown in a state location as that is a violation of our constitution to separate church and state. But to make it easy, just don't display anything from particular groups no matter who they are or what they represent.</p> <p>No displays at all please.</p>
Westler, Robin	<p>Dear Jack,</p> <p>Thank you for keeping me informed. I was unable to open your document. I think because it had a x at the end of it, but I'm not sure.</p> <p>My main concern is to keep the separation of Church and State. The Capitol is definitely part of the State and so should not exhibit anything that could be considered religious in any way. There are lots of places that religious displays can be placed, but the Capitol should not be one because it represents EVERYBODY in the state and not just a few.</p> <p>Please consider these thoughts as you craft the new rules.</p>
white, Steven	Please keep the faith based items out of government buildings.
Williams, Brett	I don't think any display should be allowed in public areas. It will end this whole thing fairly. If you let one group/organization, then you will have to let them all, and we have seen what happens with that. JMHO
Wilson, Walter	I am a citizen of the State of WA. I believe that the US Constitution protects me from state sponsored promotion of any religion. Having a religious themed display on government property is a way of promoting religion. I believe in the separation of church and state and I want no religious displays on publicly owned land.
Zabokritski, Eugene	<p>Dear State of Washington,</p> <p>I am a 15-year State of Washington resident. I would like to let you know that I support the proposed rules regarding the use of the capitol buildings, particularly the part of the new section WAC 236-17-210 that prohibits exhibits or displays. This rule will clearly resolve the controversy about religious displays at Christmas time and will keep religion separate from our State Capitol, where it does not belong.</p>
Zeithamel, Irena	Public areas should have NO religious messages! It's a place where the citizens can admire local art and cultural heritage, not religious statements! Religion belongs to churches. That's why our Founding Fathers decided that there must be a separation of church and state. We know from the history and even current political and cultural situation in the world that religion brings hate among us and the nations of the world. We don't want to support hate, but reason and law! We want NO religious displays in public areas in the State of Washington!
Zujko, Wes	<p>Keep or make permanent the moratorium on private Capitol displays.</p> <p>Specifically private religious related displays. We don't need the Gov. taking sides with respect to religion. Just keep religion out of Gov via appropriate rule making on such displays.</p>

Response

These comments generally support the approach GA has taken in these rules. The U.S. and State of Washington constitutions do not allow government to favor one religion over another, thereby appearing to “establish” one particular religion.

Allowing religious exhibits and displays on the capitol grounds does not result in government establishment of religion when:

- Processed on a first come, first served basis,
- The sponsor is identified, and
- A disclaimer with the exhibit or display states it is not owned, maintained, promoted or supported by the State.

The U.S. and State constitutions also protect the free speech rights of those expressing their religious views. Government is not allowed to make decisions based on the content of these religious exhibits and displays. Sponsors of exhibits and displays have free speech protection to disagree with other views.

Columbia Room

Stakeholder	General Comments
Ehrenreich, Jon Policy Chair Washington State Society of American Forester	<p>Please accept my comments below as part of the record for the rulemaking involving proposed changes to WAC 236-12-440, Permits for demonstrations, parades, processions.</p> <p>I am the Policy Chair for the Washington State Society of American Foresters, a 501(c)(3) non-profit dedicated to the advancement of the science, education, technology, and practice of forestry. We are not an advocacy group although we do adopt and share positions on broad, forestry related issues. We generally do not take direct positions on individual legislative bills.</p> <p>We understand the reasoning behind the proposed restrictions on posters and other displays in the hallways and other public areas of the Legislative Building. There is a natural tension between free speech rights and the need for the legislature to conduct its business in a decorous atmosphere.</p> <p>However, there is a need for a place to set up posters and displays on campus because there is no nearby exhibit hall convenient to legislators. An indoor venue is needed because of the typical weather during legislative session.</p> <p>We would propose that you consider allowing displays and posters in the confined area of the Columbia Room. Organizations such as the WSSAF could reserve the room on a first come basis (we have done this), set up their posters, and invite legislators and members of the executive branch.</p> <p>Restrictions could be placed such that posters and other displays could not be seen through doors that are propped open. Noise restrictions could also be imposed.</p> <p>Although there are legislative offices on the first floor, the route by the Columbia Room is not directly outside Legislative or Executive chambers or offices. Such an arrangement is unlikely to upset the decorum of the Legislative Building.</p> <p>I appreciate the opportunity to comment on the proposed rulemaking, and I hope you will consider my suggestion as you proceed.</p>
Hirst, Linnea League of Women	The League of Women Voters of Washington is concerned that the proposed rules would forbid displays in the Capitol buildings. Rules of that nature are unnecessarily

Stakeholder	General Comments
Voters of Washington	<p>restrictive and would stifle citizen participation in our democratic government. For example, those rules, like the interim policy now in effect, would seem to forbid the League from having any exhibits or displays during our annual Lobby Day, held in the Columbia Room within the Capitol Building. We use those displays to inform legislators and the general public, as well as our own membership, about issues important to the League.</p> <p>A principle of the League of Women Voters: "The League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens...that no person or group should suffer...administrative discrimination."</p> <p>We ask that the proposed rules be revised so that citizen groups be allowed to display information at least during scheduled events within Capitol buildings in order to inform legislators and the public about issues of concern.</p> <p>A position of the League of Women Voters in Washington: "Legislators must have access to objective information and should be responsive to the views of all the citizens of Washington State."</p> <p>We urge you to seriously consider the effects on citizen participation in government as you work to finalize the proposed rules.</p>
Lean, Sue	<p>Thank you for holding this hearing today. I appreciate GA's outstanding commitment to good public process.</p> <p>I am an exhibit project director by profession and have been involved in a number of exhibits in the Legislative Building and the Temple of Justice. It was my privilege to serve as the Project Director for permanent exhibits on the Washington State Constitution exhibit in the Office of the Secretary of State and on the judicial history of the State for the Temple of Justice. In addition, I have developed temporary event exhibits in the Legislative Building as a volunteer for a number of organizations starting in the 1980's.</p> <p>I sympathize with the problems that religious and non-religious holiday displays have presented in the past.</p> <p>I am concerned, however, that the forbidding of any displays except those sponsored by the State will have an adverse effect on citizen participation in government during events held during Legislative sessions.</p> <p>I speak today as a holder of a permit for which I was the applicant for a public forum to be held on Saturday, February 27, 2010. This event is sponsored by the League of Women Voters of Thurston County, by the Friends of Seattle's Olmsted Parks and by the Daughters of the American Revolution.</p> <p>Entitled "The Olmsted Landscape Legacy at the Washington State Capitol," this Forum is intended to inform and facilitate public discussion of the future of the Capitol Grounds. This event is part of the in-kind match for a grant to produce a brochure to be distributed by GA and the Visitor Services Program. A similar Olmsted legacy brochure was produced about the Alaska Yukon Pacific Exposition and the University of Washington campus, a copy of which accompanies this testimony.</p> <p>Dr. Norman Johnston, the distinguished historian of the architecture of the Washington State Capitol will speak. Others will relate recent (page 2 on Sue Lean's copy) research about the history of the landscape and the role of the Olmsted Brothers, the foremost landscape design firm of the early 20th century. These presentations will be followed by walking tours of the Capitol campus conducted by Friends of Seattle's</p>

Stakeholder	General Comments
	<p>Olmsted Parks.</p> <p>Under the proposed rules forbidding displays in the Capitol Buildings, none of the speakers would be permitted to show slides or make powerpoint presentations. A poster version of the brochure would have to be hand held by volunteers serving as human easels. A tabletop display about one of the memorial trees on the campus, the George Washington Elm, would be forbidden. Likewise, a literature table with signage.</p> <p>I believe this is an unintended consequence of the proposed rules as drafted. Not being able to use the audio-visual equipment, the screen and the fabric covered display panels or tables for exhibits and displays in the Columbia Room will greatly hamper the ability of the presenters to communicate to the event attendees.</p> <p>It is understood that displays placed in the course of conducting state government business are acceptable. It is worth considering that civic, business, professional organizations and advocacy groups seeking to petition the government during Legislative sessions would also be conducting the business of state government, that is, the making of the laws.</p> <p>The proposed rules invite civil liberties criticism: the right to petition government, freedom of speech and freedom of the press will be seriously impinged if people cannot use visual materials.</p> <p>I invite you to consider one of two options:</p> <p><i>Option One:</i> To create two classes of displays</p> <p><u>Short term displays:</u> Welcome, directional and informational signage and the visual materials and displays used to communicate by the speakers and organizers of the event to the attendees, guests, legislators, public officials and visitors to the Capitol Buildings shall be acceptable for the duration of an event and must be removed when the event is over unless such displays are sponsored by a state agency, board or commission.</p> <p><u>Long term displays:</u> Free standing, unattended displays and exhibits intended to for the edification and education of visitors to (page 3 on Sue Lean's copy) the Capitol Buildings, legislators, public officials and state employees would require sponsorship by a state agency, board or commission</p> <p><i>Option two:</i> Exempt event displays for the duration of an event</p> <p>Suggested language: "Informational signage and visual materials used to communicate in the course of an event shall not be considered displays as defined in these regulations. Events subject to permits shall include performances, public meetings, forums, Lobby Days, award ceremonies, memorials, receptions, Lobby Days and other Special Days focusing on a variety of subjects."</p> <p>There are many days such as Arts Day, Civic Education Day, Museum Day and Potato Day which, with state agency or state board or commission sponsorship, would likely be construed as carrying out state business and would, therefore, be allowed to have displays.</p> <p>Adopting such language exempting event displays from being forbidden for the duration of the event would allow civic groups the same privileges of presenting material audio-visual and on easels as would be afforded groups putting on their usual and accustomed annual displays for Special Days under state sponsorship of one kind or</p>

Stakeholder	General Comments
	<p>another.</p> <p>It is my hope that you will regard this as a matter of fairness to all. To all those who seek to advocate, influence and encourage public discussion in the making of the laws for the future of the State of Washington.</p>
Lean, Sue	<p>Thanks for your reply. I appreciated your thoughtful listening. I understand that public process would not permit you to characterize my suggestions as solutions at this time.</p> <p>I hope that these suggestions will provide a way for GA to accommodate free speech in written form without incurring unnecessary criticism regarding civil liberties. The Columbia Room is set up with a screen and pushpin friendly covered panels installed for displays and it would be a shame if they could be used only during state government sponsored meetings.</p>
Murphy, Mary On behalf of Linnea Hirst	<p><u>Public Testimony</u></p> <p>I'm a member of the League of Women Voters. And I have a statement from our state president.</p> <p>"League of Women Voters of Washington is concerned that the proposed rules would forbid displays in the capitol buildings. Rules of that nature are unnecessarily restrictive and would stifle citizen participation in our democratic government.</p> <p>"For example, those rules, like the interim policy now in effect, would seem to forbid the League from having any exhibits or displays during our annual lobby day held in the Columbia Room within the capitol building. We use those displays to inform legislators and the general public as well as our own membership about issues important to the League.</p> <p>"A principal of the League of Women Voters is the League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens, that no person or group should suffer administrative discrimination.</p> <p>"We ask that the proposed rules be revised so that citizen groups be allowed to display information, at least during scheduled events within capitol buildings, in order to inform legislators and the public about issues of concern. A position of the League of Women Voters of Washington is legislators must have access to objective information and should be responsive to the views of all the citizens of Washington state.</p> <p>"We urge you to seriously consider the effect on citizen participation in government as you work to complete the proposed rules."</p>

Response
<p>In crafting these rules, we carefully considered our objectives to balance the conduct of government business, public access and expression, and the stewardship of the historic capitol buildings and grounds.</p> <p>Consistent with these objectives, we determined that we could not effectively manage exhibits and displays inside the capitol buildings, as evidenced by the activities of 2008 and according to design, health, safety, operational and other such considerations.</p> <p>Consequently, under established case law we had to apply this decision consistently to all exhibits and displays, regardless of content or intent. For example, we may not prohibit displays that have religious content while allowing displays that are deemed political, cultural or artistic in content.</p> <p>It is also important to note that many manners of speech remain available to people who wish to inform and advocate to government officials, including inside the capitol buildings and the Columbia Room. We have already scheduled a very active calendar of diverse free speech activities inside</p>

Response
the capitol buildings to occur during the 2010 legislative session.

RCW 34.05.328 - Rulemaking under the Administrative Procedures Act

Stakeholder	General Comments
Imani, Patricia Olympia Movement for Justice Peace	<p><u>Public Testimony</u></p> <p>I'm here as an individual and also as member of the Olympia Movement for Justice and Peace.</p> <p>I want to begin by saying that, you know, despite any wishes of the Washington state administrator, you know, the highest law in the land is the Constitution. And the First Amendment does not mean, though you may hope it does, that nobody should be prohibiting -- prohibited from expressing, right of people to peacefully assemble, or petition the government for redress of grievances under the condition the people are fewer than 25 and under and that no individual or individuals exercise such rights for more than 14 days in duration. It does not read that.</p> <p>I ask and have petitioned that appropriate administrators withdraw proposed Chapter 236-17. This is in accordance with RCW 34.05 Section 335.</p> <p>And also, you know, let's be reminded of laws of 1995. The Washington legislature passed the Regulatory Reform Act of '95 and enacted Chapter 403 to protect the public against the stifling of legitimate activities. And, you know, it -- Chapter 43 Section (2)(a) states, "substantially" -- "substantial policy decisions affecting the public be made by those directly accountable to the public, namely the legislature."</p> <p>The purpose of proposed Chapter 236-17 is clearly stated in Section 10 as to regulate, quote, free speech and assembly activities, end quote, in public spaces controlled by the agencies where such regulation treads severely and frighteningly on the citizens -- our citizens' First Amendment rights. The proposed rules are clearly outside of the jurisdiction of a state agency.</p> <p>And again laws, Chapter 403 law, 1995, also state very clearly that no agency rules on -- should -- the rules need to be justified and reasonable and that the obligations imposed need to be truly in the public interest. Obviously these infringe severely on our First Amendment rights. They should not be allowed. I really don't understand why our Attorney General's Office allowed them to get this far.</p> <p>Also, it also states that members of the public have -- need to have adequate opportunity to challenge the rules and that members who are most affected be involved in their development. I learned today in contacting the head of the Washington state ACLU that they were never even contacted. This is the first that they became aware. That's not acceptable.</p> <p>My time is up, so let me just end by saying that I really hope that come the first of the year that when I gather with my friends and my family at Sylvester Park or Capitol Way, I am not going to be arrested, quote, as stated in the rules for the -- because we've come together to gather for the purpose of communicating information or ideas.</p> <p>I ask that the proposal of these rules be withdrawn.</p>
Imani, Patricia Olympia Movement for Justice Peace	<p>As a member of Olympia Movement for Justice Peace, an Olympia based social justice group founded in 1990 with the mission of furthering social justice and equality, I, Patricia Imani make it known that our members, who are residents of the state of Washington - oppose proposed WAC Chapter 236-17 - specifically where it relates to</p>

	<p>any regulation of first amendment protected activities in public spaces.</p> <p>The Bill of Rights under the United States Constitution states "Congress shall make no law... prohibiting...the the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Despite WA state administrative might wish for - this highest law of the land by which all states are bound does not state there shall make no law... prohibiting..."the right of the people peaceably to assemble, and to petition the Government for a redress of grievances 'under condition the people are fewer than 25 in number and that no individual(s) exercise such rights for more than 14 days in duration".</p> <p>The proposals amount to criminalization of our our most fundamental rights and these changes must not be allowed to be codified by GA.</p> <p>These points were prepared my members of Olympia Movement for Justice and Peace after reading the GA proposed WAC 236-17.</p> <ul style="list-style-type: none"> - The proposed changes to WAC would challenge the people's protected freedom of assembly by putting public gatherings and demonstrations under the review of the Washington GA. Under the proposed changes, the GA could use the permitting process to regulate the time and duration of public gatherings, set caps on the number of people attending, and restrict gatherings to certain places only. In addition, even those expressions of first amendment rights exercised peacefully by an individual would be limited in duration (for instance, any individual holding vigil for more that 14 consecutive days would face arrest and criminal charges under WAC 236-17). -The proposed rules disregard the United Nations International Bill of Human Rights, International Covenant on Civil and Political Rights; Part III, Article 21 which states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." -The proposed administrative rules are not allowed under RCW 34.05.328, which states that "...substantial policy decisions affecting the public [should] be made by those directly accountable to the public, namely the legislature..." and that "rules imposing obligations on the public... are truly in the public interest." Even if the proposed changes weren't unconstitutional, they would still violate RCW that GA is supposed to abide by. -There are not enough free public spaces in downtown Olympia as it is. Places for members of the public to assemble and freely associate are vital in a functioning democracy. GA shouldn't further quell the people's ability to assemble by placing restrictions on groups exercising their protected free-speech rights in public areas. -The proposed set of changes would likely not be enforced equally. The "free speech and assembly activity" the rules would regulate includes anything "for the purpose of communicating information or ideas to others that are intended to or likely to draw the attention, attendance, or participation of others. Free speech and assembly activities may include, but are not limited to, assemblies, marches, rallies, performances, community events, press conferences, demonstrations, celebrations, ceremonies, speeches and other similar expressive activities." This broad definition could include anything from an anti-war march to a school field trip to a large family picnic, but it is probably more likely that the state would take "appropriate law enforcement action" against leftists and anti-war demonstrators than school kids or families for acquiring a permit. Individuals could be denied permit according to their political ideology. Though Supreme Court rulings prevent a permitting process to distinguish between groups - were such a process permissible for reasons of public safety only - the guidelines under the GA proposals offer no standards for determining whether a particular activity would present an unreasonable threat to health or safety, and one can only reason that decision making regarding permit approval will be made arbitrarily according to one's political ideology or assumed affiliations.
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<p>Imani, Patty Olympia Movement for Justice Peace</p>	<p>I write to petition those responsible for overseeing the rule making process concerning GA proposed Chapter 236-17 WAC to establish a continence of the public comment period and a to reschedule or add additional public hearing(s). The public comment and hearing process is currently scheduled to conclude September, 22, 2009; this is not adequate time for appropriate outreach and response by the public - those most affected by the proposed rules - to respond.</p> <p>Under RCW 34.05.325 (5) which provides requirements for public participation "Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320." Also, where the subject of administrative rule making greatly affects the public interests, there is a precedent in WA for continuation of the public comment period, extending the time allowing for comments up to potential adoption of rule.</p> <p>I petition the appropriate agency administrator to request a continence of the public comment period accordingly.</p> <p>Further, I petition for withdraw of proposed chapter 236-17, in accordance with RCW 34.05.335 (1). The Washington Sate Legislature in passing the regulatory reform act of 1995 enacted Chapter 403 in part to protect the public against the stifling of legitimate activities (1995 c 403, section 2). The act was written to restrict administrative agency from imposing "excessive, unreasonable, or unnecessary obligations that detrimentally affects the well-being of our citizens" [1995 c 403 (1)(c)] as is so with GA proposed WAC chapter 236-17.</p> <p>The Regulatory Reform Act of 1995, c 403(2)(a) sates "substantial policy decisions affecting the public be made by those directly accountable to the public, namely the legislature"</p> <p>The purpose of proposed Chapter 236-17 is clearly stated in section 010 as to regulate " free speech and assembly activities" in public spaces controlled by the agency. Where such regulation treads severely on our citizens' 1st Amendment rights - the proposed rules are clearly outside the jurisdiction of a state agency.</p> <p>Submitted this 20th Day of September, 2009 at 2:47 PM</p>
<p>Lucas, Kyle Taylor</p>	<p><u>Public Testimony</u></p> <p>I do have concerns about the adequate notice for the public. And a lot of people I've talked to didn't even know it was happening, so I would hope that you might extend the comment period.</p> <p>I have several concerns about the proposed rule, and so I'm here really to speak against it. I really do -- first of all, I have concerns about First Amendment -- constitutional First Amendment right to assembly and free-speech limits. I worry that the proposed challenge -- changes will challenge people's protected freedom of assembly by putting public gatherings and demonstrations under the review of the GA.</p> <p>Under the proposed changes, the GA could use the permitting process to regulate the time and duration of public gatherings and set caps on the number of people attending and restrict gatherings to certain places only. I am worried that the proposed WAC rules conflict with RCW 34.05.32A, which states that substantial policy decisions affecting public would be made by those already accountable to the public, namely the legislature, and that rules imposing obligations on the public are truly in the public interest.</p> <p>So even if these proposed changes were not unconstitutional, it concerns me that they would violate the RCW applicable to the GA. I think that these -- this kind of rulemaking and limit to public assembly and free speech really resides with the elected policymakers, the legislature.</p> <p>Also, I think that there's -- there are not enough free public places in downtown Olympia as it is. I think this would further limit that.</p>

	<p>I think that there are concerns that a set of changes would likely not be equally enforced, not that it would be the intention, but could unintentionally -- that could unintentionally occur.</p> <p>And I just really object to the unprecedented new set of free-speech-stifling rules. And I ask you to convey this decision to your elected leaders, the legislature, to do this.</p> <p>Also, if you decide to proceed with this rulemaking, I would ask that you do extend the public-comment period.</p>
Lucas, Kyle Taylor	<p>I write to speak in opposition to the proposed rule making (WAC 236-17).</p> <p>The several points to my objections to this proposed rule are:</p> <ul style="list-style-type: none"> • In my view, this proposal violates the Constitution's First Amendment, which states, in part, "Congress shall make no law...prohibiting...the right of the people peaceably to assemble, and to petition the government for a redress of grievances." • The proposed changes would challenge the people's protected freedom of assembly by putting public gatherings and demonstrations under the review of the Washington GA. Under the proposed changes, the GA could use the permitting process to regulate the time and duration of public gatherings, set caps on the number of people attending, and restrict gatherings to certain places only. • In addition, even those expressions of first amendment rights exercised peacefully by an individual would be limited in duration (for instance, any individual holding vigil for more that 14 consecutive days would face arrest and criminal charges under WAC 236-17). • The proposed new WAC rules conflict with RCW 34.05.328, which states that "...substantial policy decisions affecting the public [should] be made by those directly accountable to the public, namely the legislature..." and that "rules imposing obligations on the public.... are truly in the public interest." So, even if the proposed changes were not unconstitutional, they would still violate an RCW applicable to the GA. • There are not enough free public spaces in downtown Olympia as it is. Places for members of the public to assemble and freely associate are vital in a functioning democracy, particularly in a state capitol city. • The GA shouldn't further quell the people's ability to assemble by placing restrictions on groups exercising their protected free-speech rights in public areas. • The proposed set of changes would likely not be enforced equally. <p>The "free speech and assembly activity" the rules would regulate includes anything "for the purpose of communicating information or ideas to others that are intended to or likely to draw the attention, attendance, or participation of others. Free speech and assembly activities may include, but are not limited to, assemblies, marches, rallies, performances, community events, press conferences, demonstrations, celebrations, ceremonies, speeches and other similar expressive activities." Activities are defined as "one or more people gathering for a common purpose or cause"</p> <p>This broad definition could include anything from an anti-war march to a school field trip to a large family picnic, but it is probably more likely that the state would take "appropriate law enforcement action" against anti-war demonstrators than school kids or families for not getting a permit.</p> <p>Individuals could be denied permit according to their political ideology.</p> <p>There is no point in making laws that can't be enforced equally (The ACLU affirms that permitting processes - were they permissible to ensure public health and safety only - can not distinguish between groups. The proposed policy provides no guidelines as to</p>

	<p>how permit approval will be decided other than to refer to general use requirements which are directives preserving "the use of state government, the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds "</p> <p>I object to the adoption of this unprecedented new set of free-speech stifling rules and ask that you convey the decision-making to the policy decision makers elected by the people—the state legislature.</p> <p>And that should you decide to proceed, that the comment period be extended to allow more of the public to learn about this. Not a single person I have spoken to, including the ACLU, knew of this proposed rule making.</p>
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Response	
<p>Reference to RCW 34.05.328 is not appropriate as it applies only to significant legislative rules of certain specified agencies. This provision does not include the Department of General Administration or these rules.</p> <p>We are responding to comments related to free speech and assembly in the next section.</p>	

Free speech and assembly

Stakeholder	General Comments
anonymous	<p>Why is this government afraid? Is it so dominating that it cannot function under criticism from more than 25 people, or for more than two weeks? First amendment rights are intended to assure that the government serves the people, and not the other way around. What is being done here is appalling.</p>
Brashear, Anthony	<p><u>Public Testimony</u></p> <p>I am a certified American engineer representing pragmatic patriotism.</p> <p>When evaluating the function of any given system, there are few universal commonalities. For optimum performance, focus on resistance in the system, and one must consider what the system will do under stress. This resistance of which I speak mostly concerns difficulty of getting a permit, which need be easy; although, I do not see why booking a space for 15 people is any different from book a space for 30.</p> <p>However, one right I am here to represent is that of assembly, when the people most need it, when the government does not agree with the motive for assembly. And if this policy is going to prohibit completely peaceful gatherings in the interest of all parties involved, then it is direct contradiction of our constitutional rights, one that will not and by the basic tenets of real patriotism cannot be obeyed.</p>
Brown, Debi	<p>Gov. Gregoire,</p> <p>I am really dissappointed with the decision to limit the holiday displays at the State Capitol. I believe that if one group gets to display - then ALL should. My life mantra is Live and let live... no one has the right to tell another religious group that their belief is wrong - and the decision to back what the athiest want is wrong... please allow freedom of speech to all groups who want to have a holiday display.</p>
Carlson, Val	<p>The Freedom Socialist Party opposes the General Administration's proposed new rules on "Use of the Public Areas of the Capitol Buildings and Grounds" (Chapter 236-17 WAC). These rules would impose onerous and illegal restrictions on free speech and assembly activities and gatherings on the Capital Grounds and many other public parks and areas nearby.</p> <p>There are no places more public or appropriate for free speech activities than the grounds and public places around the state capital itself. The rules say they are</p>

Stakeholder	General Comments
	<p>intended to "balance the conduct of government business with public access and expression." There should be no contradiction or need to balance here. The business of government is to listen to the people to whom government is supposed to be accountable.</p> <p>Requiring permits for every gathering of 25 or more people is absurd. The grounds are spacious and can accommodate groups of hundreds, even thousands of people, without inconvenience to traffic in and out of the buildings. Most school, community, and political protest groups govern themselves and seldom need any government involvement at all. At times like the present, when government services are being drastically cut, and health, education, and many other human needs go unmet, using scarce staff resources to process permits, count the numbers of people in every group on the grounds, and arrest all those without the proper permits, etc. is a ridiculous waste of time, as well as a violation of the U.S. Bill of Rights and the Washington State Constitution.</p> <p>Please drop these regulations and spend your time figuring out how to meet the survival needs of Washington residents by taxing the wealthy and the large corporations who do not contribute anywhere near their fair share to the common good.</p>
Chambers, Paul	Limiting gatherings to 25 people on state parks without a permit is unconstitutional. These are public areas owned by citizens who have the right to peaceably assemble on them. Please do not make the mistake of illegally restricting citizen's rights!
Curran, Michael	Any and all discriminatory practices of our State Government in apply restrictions of "free speech" is always going to be rebuffed by the majority. Should the AG's office continue down the road of restriction then please remember you are catering to the few at the expense of the many. Listen to thoughts outside the beltway that is Olympia, Washington. Your audience in support of infringement of individual rights comes from the four counties on the east side of Puget Sound, try Eastern Washington for a balanced view. Thank You for allowing use to comment.
Davidson, M Eliza	What began as a controversy over specific seasonal displays has expanded through proposed rules into a broad, heavy-handed response. Constraints on displays during events in the Capitol unnecessarily restrict free speech, public education and heightened citizen awareness. Please purge proposed rules of such unnecessary, anti-democratic and unintended consequences.
Durfey, Lee	<p><u>Public Testimony</u></p> <p>So like to start off by saying that I feel like any permit requirement for use of a park is potential violation of free speech. This can happen if the permit is not answered properly, the staff can't find the time because they're underfunded and short-staffed to reply and respond to appeals and permits.</p> <p>And I would suggest that if this is the case, the staff can't make it for whatever reason, that the event will not be held, even when the process has been followed. And this -- even if two or three days before the event's held we're allowed to go ahead and hold it, you know, if it gets through, then unfortunately we haven't been allowed to advertise to let anybody know that the event is coming up.</p> <p>I bring this up because I'm part of a committee which is trying to plan a community flea market in Olympia. So mid-May we submitted a permit. I was told that the date was open on the phone. I was told, "Be patient. Everything will be fine." I was then asked to provide an explanation in an e-mail, which I provided on May 18th.</p> <p>On May -- on June 3rd the appeal was denied. The permit was denied. Excuse me. So as per GA policy, we were able to appeal the to director of the GA. Sorry. Let me jump back here real quick.</p> <p>So our initial request was denied by Pattie Williams. She cited Washington -- or WAC code 236-12-150. So that pertains to advertising and solicitation for commercial purposes shall not be conducted and engaged on any portion of the state capitol grounds except with prior approval the director under GA policy. Okay.</p>

Stakeholder	General Comments
	<p>"We carefully reviewed the details of your request, and it is basically a request to conduct a swap meet, a commercial use with the barter of items of value. While you also mention games and music as being included, these are extraneous and the main focus of the event is a commercial enterprise with the exchange of material goods."</p> <p>"We carefully reviewed the details" is how this began.</p> <p>In my response I stated, "In light of this quote, I feel it is necessary to explain again that this event is free, as the name implies. No money changes hands, no bartering occurs, and there are no requirements that anyone is to bring anything of their own."</p> <p>So make a long story short because my time is out, we followed the mail-in appeal process. It was lost in the mail. We were contacted on the 14th. I spoke with the assistant to the director herself. She said five days' answering time; it's now been seven. The event is planned for 9/22, so we have five or six days left to hope that we get an answer and then to try and get all of our advertising done.</p> <p>This is a free speech and the right to gather. This has happened on almost every single permit process in which I've been involved, including the Student Walk Out of 2008 where, even though we were permitted, the GA did not notify the campus police, who then were scared and rushed in, presenting danger to public.</p>
Eisinger, Alison	<p>I am scandalized that such a proposal would be put forward. Requiring a permit for a group of more than 25 people gathering on PUBLIC property at the seat of government for our state would clearly have a chilling effect on the very public discourse which is fundamental to democracy. I urge that such a proposed change to the use of the public areas of the state capitol by members of the public be rejected wholesale. I shudder to think of the amount of our precious state resources that will inevitably be wasted attempting to defend such an unconstitutional rule change in the courts -- for that is what will happen should these changes be adopted.</p>
Hendricks, Andrew Charles	<p>I object to the notion that Sylvester Park, Heritage Park, and other downtown parks adjacent to the Capitol Campus become "reservation only" free speech zones, in which no group of 25 or more persons may assemble without planning it and informing upon themselves before the Washington State Patrol. There is no substantial problem with the regulations as they stand which cannot be remedied by mutual aid among free persons in the capacity of self-sovereign individuals. Adding to the regulations now existing is outrageous, hypocritical, and unconstitutional.</p>
Higley, Bob	<p>I am aware that there has been some controversy over the use of the Legislative Building, especially during this past Christmas season. However, your proposed rule seems to prohibit the use of all buildings in and around the Capitol by all interest groups. Sir, your rule seems to be overly onerous; in fact, it appears you are willing "to throw out the baby with the bathwater."</p> <p>There are many organizations that use the buildings to present information in very interesting and tactful ways. I am particularly aware of the Legislative Building where I spend considerable time, where, during the legislative session, many, many, school children visit and get good information. There are some displays that I would rather not have seen there, but that is the privilege of a free society, where many points of view can be expressed.</p> <p>Again, I know that last Christmas there was a significant controversy, but it seems to me that to make such tough limits on every one is unjust, to the public and to the exhibitors. I am of the opinion that your rule just might be unconstitutional if it were challenged by some organization, requiring you and the state to have to defend your position, costing us taxpayer's significant and unnecessary expense.</p> <p>Finally sir, OUR Capitol is a place where many people from our state and tourists come to visit. They should be given the chance to observe the great diversity of beauty in our state, as well as differing viewpoints shown by the many displays that have in the past been permitted to be exhibited on the grounds. Please reconsider your position and</p>

Stakeholder	General Comments
	prepare a more relaxed ruling on the use of OUR buildings.
Hill, Lee K.	I urge you to please be very careful in trying to manage this issue. Democracy is often, by necessity, a messy business. This is a very touchy area regarding the control or restriction of constitutional rights of free speech and assembly. The vast majority of citizens I encounter are very upset with government in general and I have never heard such angry comments in my 60 years. I am none too happy myself. Thank you and good luck!
Jacobs, Bob	<p>Please make clear that permits for demonstrations, marches, etc., are not required; that they are available and once granted guarantee the permittees that they will have the space to themselves; that anyone else who shows up at the same time will have to use other spaces. This is not an unlawful limitation on free speech or assembly. Rather, it is a reasonable way of managing the public space and avoiding conflicts.</p> <p>As I said at the hearing, I would be glad to assist if requested.</p>
Jordan, Janet	<p>I hope you re-consider this ruling. It seems to be in place to prevent free speech in public spaces, not regulate it. It appears to be a ruling that will be disobeyed on occasion. Our founding fathers would have disregarded any such ruling as part of their general plan for imposing the will of the People on the existing government.</p> <p>You may consider our government to be the will of the People by definition, but this is not always the case, and the People should have a way of expressing their views when it is not. Our Constitution was written to provide such a way. Please remember our Constitution, and do not make this ruling.</p>
Malanchuk-Finnan, Linda National Organization for Women	<p>I am very concerned that requiring a permit in this policy change is not being done to facilitate public use but to limit public use of public areas of the Capitol. The Thurston County Chapter of the National Organization for Women has used many facilities of the Capitol as well as its legislative process. We do not want anything to stand in the way of exercising our right to free speech or the free speech of others. Such a calamity would be a test of our democracy. Years ago, Tacoma required a parade permit with insurance for any assembly. This was taken to court and found to be unconstitutional. A permit with a fee is an impediment to a populace who might want to respond quickly to a situation or issue in order to express their concern, approval, or disapproval, especially at our state capitol, the natural focus of media and citizens alike.</p> <p>I do not want to see any changes which make expression of our right to assembly and right to free speech curtailed.</p>
Martindale, Robert	The proposed rule changes are a violation of our first amendment rights to free speech and assembly. This rule should not go into effect at all. At least let the legislature vote on the proposed rule changes. They can be held accountable to a public vote. Please do not enact these proposed rule changes!
Mathis, Rose	The State property is owned by the people of this state, Christian and non-Christian alike. Both have rights to use the land, property and buildings. We all share in the tax burden. Unless you want to say no taxes paid by those who cannot use the building... Because of one foolish mistake last year, don't overreact and make a bunch of foolish changes this year. All have rights. The separation of church and state was meant to keep the government from choosing a specific religion for the people. It is our right to make our own choices. Don't take away another right that is rightfully everybody's. Use wisdom when making choices so that nothing makes a national scene. Don't overreact, please!~
Mayes, Sandy	I am writing to express my opposition and outrage at the Washington State General Administration's proposed rule changes regarding the regulated use of public areas of the capitol buildings and grounds, identified as proposed WAC Code 236-17. These proposed changes will have a chilling effect on free speech in public places – political speech in particular. Open public assembly is vital to a functioning democracy. We need more, not fewer, public spaces available to the public to assemble and freely associate. I strongly urge that these unprecedented free-speech stifling rules be rejected.
Miller, Jeremy	I believe that the campus use rules should only be changed if it's going to further open

Stakeholder	General Comments
Olympia Hemp, Love, & Freedom Rally	up the use of the campus to the citizens/businesses of Washington; the rule change must not restrict the use of the campus in anyway! Olympia Hemp, Love, & Freedom Rally
Milne, Candace	People have a constitutional right to assemble and express their concerns. Make no laws that restrict these rights.
Moren, Mike	The latest version of the proposed rules of the Capitol Campus will, if enacted, have a chilling effect on the freedom of speech. The Capitol Campus is supposed to be the area where all citizens have the ability to dissent if desired, without the approval of the government that they are dissenting from. No regulations on Free Speech activities should be done on the Capitol Campus, Heritage Park, or Sylvester Park.
panneton, hali	please refrain from adopting the proposed rules regarding the use of public areas at the capitol and on the capitol grounds. they will have an unnecessarily chilling effect on free speech and the right of people to gather together in public.
Reed, Stuart	The proposed rules requiring a permit from first amendment protected public assembly on public spaces is not only ineffective and wrongheaded, it's unconstitutional and will surely be brought down by the courts if you pass it in the first place. Save your energy for fixing real problems and keep out of costly legal battles by reviewing these proposed policies and removing any language that could be construed as preventing the application of constitutional rights to peaceably assemble and speak.
Renninger, Charlotte	<u>Public Testimony</u> I realize that these rules are made with good intent to secure safety for government and the people who are helping to secure our safety. And I'd like to reference the fact that we as citizens are here, and we've created the government for our benefit, and we are the government. We are all the same. And I think that it seems -- sorry as I struggle to find words -- but that you should welcome as many people as possible onto the grounds, the public grounds and the governing grounds, to say as much as they can and give as much input as possible -- as they can because it is our collective input that helps create the government. And as nobody in here was discriminated against today as they came up to speak for whatever religion they held or whatever they had to say, I think that having some type of approval between people and their right to say something on public grounds is very much against our First Amendment right of free speech. I don't think that it was made with the intention that there would be discrepancy or that they would be personal intentions within the deciding process or that one group might get discriminated against. But made with good intentions now later on could be used against the public good, and I don't see that that as being good in the future. My heart is beating very fast. This microphone's really loud. And I would make a bad joke to waste all of your time, but I won't.
Seifert, Lisa	You should encourage citizens to come to the capitol to see and meet with our government. DON't restrict access. If a group decides one day to organize and walk there, find ways to make them comfortable. Do what is needed to keep your business operating. We elected these people, and we have a right to address them when we thing its necessary. Its really important.
Sochet, Noah	It is unconscionable to limit the use of the public spaces at the capitol campus in this way. These types of rules have a clear chilling effect on the freedom of speech in Olympia and across Washington.
Weiss, Ron	<u>Public Testimony</u> I'm an antiwar organizer here in Olympia. I come representing the community group Olympia Movement for Justice and Peace. Before I begin I would like to pick up on something that I heard Mr. Durfey talking about a few comments ago. He was describing some real problems that he'd had with getting

Stakeholder	General Comments
	<p>a permits in an expedient way.</p> <p>And I too had some problems getting permits in my organizing experience. There had been delays, and there have been all sorts of hang-ups that I've dealt with. And I think what he may have been getting at is that if these sorts of problems occur as it is in the permitting process.</p> <p>And I don't know whether or not it's something that's a problem with individuals in the GA or something with the GA itself. But this -- the proposed changes to the WAC would definitely be a cause for greater bureaucratic movement within the GA that would require more time and attention to permitting processes. And I think that's not a very smart move if there are already issues in getting permits across in ways that everyone is satisfied with.</p> <p>So what I came to talk about is that I take issue with the changes that are proposed to the WAC, specifically requiring a parade permit for more than 25 people and that the -- that gatherings of more than -- if a permit is issued, that gatherings would be restricted to 14 days in duration.</p> <p>I think that the fact that this change covers the entire capitol campus would mean that it includes also parks around the Capitol Lake as well as Sylvester Park. These are vital gathering spaces for the public downtown, and I think that it's critical that we keep these spaces open.</p> <p>The right to gather and request grievances from the government is something that's critical to a working democracy, and I think that this really needs to be looked at carefully because it's -- it's a real First Amendment issue, the right to freely assemble, and I think that this is definitely encroaching upon that. It's almost as if it were a way of making public spaces resemble private property.</p> <p>So I see that my time's up. I've registered my comment. I think that these changes are really unacceptable. And I hope that they will be quashed immediately.</p>
Wendita	<p>As per the current rules for displays and exhibits, it seeks to avoid disruptive events and it will never NOT be disruptive to display one religious display or even 10, 20 or 50, when there are 1000 religions in our pluralistic land, so therefore NO displays or exhibits should be displayed inside or outside of any government property in order to abide by the Establishment Clause. A big todo is always going to be made about the First Amendment but that is not infringed upon in the private sector as there is ample private property for personal expressions and a church on many a corner that is getting tax free land to show off their religious icons. This is an issue of proper non-disruptive use of government property that is paid for by taxes of citizens in which 25% of them are non-believers in WA state. Please do the right thing and stay out of the religion business altogether, it just cheapens it to have it flaunted all over government property...that is an advertisement FOR religion no matter how you look at it. Let religious displays thrive on private land which is already getting a tax break from the government. We have SO much to do to get separation of church and state back in order...we really lost sight of it in 1954 when the pledge of allegiance was encroached upon by religion, with the addition of under god, and our money is also a victim of religious endorsement as well with our motto being changed from the perfectly phrased E Pluribus Unum...so this ruling is very important and it's one step in the right direction. Please uphold and make permanent the ruling to disallow any and all religious displays inside and outside the capital buildings and the land surrounding. Thank You for being courageous on this, your citizens need you to speak for us. This is our voice...The Constitution is our voice...please listen, hear and act on our behalf!</p>

Response
Courts have held that government may require permits for certain large events to assist in

Response

managing the competing demands for public access for free speech and assembly activities. WAC 236-17-100 specifically states that “A permit enables a group to reserve access to specific locations and amenities for specific times, so that the department can schedule and manage the many activities and visitors that come to the capitol buildings and grounds each year.”

Courts have also upheld permit requirements for various sizes of events. For instance, the 9th Circuit has upheld permit requirements for groups involving 75 or more participants in large public areas. The court has also acknowledged that requiring a permit for smaller groups may be necessary for smaller spaces such as in the capitol buildings, where the volume of activities can pose a problem in managing competing uses. Our rules establish that a permit is required for free speech and assembly activities that will involve 25 or more people in the capitol buildings and for those free speech and assembly activities that will involve 75 or more people on the capitol grounds.

In recent years, we have seen a significant sustained increase in the number and size of activities at the capitol buildings and grounds. Scheduled activity volume has increased by over 60% since the completion of the rehabilitation of the Legislative Building in 2004. During the 2009 legislative session, over 90% of all scheduled activities on the Capitol Campus were held inside the Legislative Building. Nearly 30,000 people participated in those activities. These figures do not include participation in unscheduled events or the day-to-day business activities, as those figures are not tracked.

Competing interests for desired locations or time and pressure from applicants to reserve space farther out have increased, while capacity to manage the increased demand has decreased due to budget reductions. Moreover, we must consider current statutory and code requirements related to fire, safety and accessibility. For instance, the Legislative Building Rotunda mezzanines and stairwells are critical evacuation routes when elevators cannot be used.

Holiday Tree

Stakeholder	General Comments
Berg, Judith	I read where the public was encouraged to submit their opinions regarding the Christmas tree in the Rotunda. As a Christian, I do not believe the tree is a religious symbol. To me, this just another Christmas decoration especially with all the huge teddy bears and presents that surround the tree. How can it be even thought of as a religious symbol. The Nativity Crèche, the Menorah-those are religious symbols. I sincerely hope we will always have the tree in the rotunda for everyone's enjoyment.
Carson, Jennifer	I think this is a terrific idea. While I believe in the ideal society we should be able to respect everyone else's religious beliefs, as we saw last year, that just doesn't happen. I think limiting holiday decorations to one tree is a good compromise. I could not tell if you were planning on decorating the tree or not, but if you are, could I make a suggestion? Why not put symbols from all the major religions that are represented in WA state as the ornaments. It would be beautiful and be symbolic of the inclusiveness of the season.
Clothier, Burt	Regarding the hosting of religious displays during the holiday season: The government must remain neutral on religious matters. A nativity scene is not a denominationally-neutral display anymore than a non-theist one. Given the lack of space and the multitudinous kinds of seasonal displays that might be possible, the government should ban the hosting of displays and stick with a simple non-religious holiday tree (or nothing at all).
Culberson, Denise	Also I wanted to say I am as a American Citizen Offended by not being able to

Stakeholder	General Comments
	<p>celebrate Christmas and Have a Christmas Tree!!!!</p> <p>You are again taking away the peoples American Heritage and Traditions from our children and grandchildren!!! This is wrong!!!!</p>
Ericson, Bruce	I support a permanent moratorium on private capitol displays, including "Christmas Trees" which have been renamed "Holiday Trees" for the purposes of obfuscation.
Gowing, Clover B.	The moratorium regarding all displays for religious holidays (with the exception of a decorated tree) should be made permanent; it should apply to all religious celebrated days, not just Christmas, and should apply to all government buildings.
Green-Sistrunk, Carol	<p>Gov. Gregoire,</p> <p>I sincerely hope there will be a Christmas tree on display at the Legislative Building this season.</p>
Harms, Steve	<p>Gov. Gregoire,</p> <p>I heard today that the capitol will only have a holiday tree – not a Christmas Tree. As a fellow CATHOLIC – you know a Christmas Tree is not a religious item. It is just a tree.</p> <p>It is time to put the nativity scene back up – our country is “1 nation under God” and it is time to act like it!!!</p>
James, Gail	Anything the WA state government can do to keep the operation of state and religion totally separate meets with my approval. If the ruckus during the last few holiday seasons has a bright side it is this proposed clarification of the rules for displays and demonstrations. Thank you for your hard work in that regard and if I had one wish, it would be that even the "holiday tree" (under state sponsorship) would be eliminated.
James, Ilene	I encourage you to stick with the "holiday tree", altho I'll always call it a Christmas Tree! Nothing else needs to be in the Capitol Building, regardless of what these religious (or non-religious) fanatics say!
Johnson, Jerome J.	<p>I support the traditional holiday tree with NO additional religious displays. Why?</p> <p>Because last year's embarrassing antics were driven by mean-spirited divisive politics embellished with a wrong-headed attitude of entitlement.</p> <p>For many Christians, "Jesus is the reason for the season."</p> <p>But historically, this is inaccurate. The Winter Solstice is the reason for the season. All civilizations have observed the time when days grow longer, and have viewed the Solstice as a sign of rebirth and hope.</p> <p>Thus, some 300 years after Christ's death, Christian leaders created an artificial birthday and piggy-backed it on the Roman winter holiday.</p> <p>Today the season is the highest of high holy days for many Christians. But for many more, and for nearly the entire nation, Christmas is a joyous secular holiday.</p> <p>My Jewish and Buddhist friends put up a tree and decorate their homes. It's more a national time of good-feeling rather than a sacred observance.</p> <p>Many reject the triumph of Santa Claus over Jesus for our hearts and minds. But that is no reason to force-feed religious dogma to the rest of us.</p> <p>The tree makes people smile. The scent of the towering conifer, the bright lights, and the ornaments bring out the "happy" in people. That, truly, is what the season should be about.</p> <p>Nativity scenes, Menorahs, Festivus poles, hate literature, and any other in-your-face divisiveness have no place in our Capitol.</p>

Stakeholder	General Comments
	Those who are offended have a Constitutional right to be offended. Not assuaged. Just offended. If the tree offends you, just don't look at it. Don't go away mad. Just go away.
O'Donnell, Cathy	Regarding "holiday" displays let me state as an agnostic that I believe the "christmas/holiday" tree should not be given the same consideration as a nativity scene or other religious statement/display. A tree is a winter festive floral item, as is a wreath or other boughs, pinecones, holly etc. used as decor. A tree is lovely and seasonal and should be used as such similar to the use of potted flowers in summer or floral displays during other times of the year. Two years ago I visited the courthouse in Honolulu and found the entire lobby filled with trees- each one decorated by a club or other special interest. Now, there's an option!
Reid, Gordon	Government public areas should not be used for displays and exhibits except for the Holiday tree in the rotunda. Displays and exhibits whether by religious groups or atheist groups or whatever groups should not be allowed.
Todd	No holiday decorations of any kind (no tree or anything) in state offices and that includes the Capitol Campus.
Williams, Fran	Please do not pass this ordinance. I like the idea of only having a holiday tree but I do not like prohibited all events after the holiday from having a table or other items. That limits freedom of display much.

Response
Courts have held that a holiday tree is a secular symbol of the holidays occurring in December. A holiday tree has historically been placed in the Legislative Building Rotunda during December. General Administration will continue that practice, purchasing and displaying a holiday tree in the Legislative Building Rotunda this December as a government activity.

Exhibits/displays on the Capitol grounds

Stakeholder	General Comments
Barrett, Dr., Jim E.	I strongly oppose the use of Capitol grounds for any religious displays, even if for only two weeks. Our Capitol is no place for any kind of marketing, especially religious marketing. Please do what is necessary to keep church and state separate.
Beeson, Mel	Please do not use public grounds to promote religion.
Bennett, Ed	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Bookheim, Frances	I think you should make it easier on yourself by denying any religious stuff on government property. Firstly, it is a violation of separation. Secondly, while no one will be happy, the alternative is to have everybody represented. Which means a lot of garbage on your lawn. Thirdly, religious partisanship will incite hatred, which is the antithesis of the meaning of Christmas.
ericson, bruce	I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity

Stakeholder	General Comments
	<p>scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Gerhart, William & Doris	<p>Its simple: Don't have ANY displays.</p>
Green-Sistrunk, Carol	<p>Dear Governor Gregoire: The Washington State General Administration should permanently prohibit any private displays within any buildings and upon any of the grounds of the Capitol Campus. Any display of a religious or antireligious nature gives the impression of an endorsement by the state, may be offensive to those of differing views, and create a climate of exclusion of beliefs not represented. Furthermore, it is simply not physically possible or practical for every possible belief or opinion to be represented and therefore reason and fairness dictate that none should be represented when others are excluded. It is not the role of government to provide a forum for the expression for any religious views. There should never be any holiday displays anywhere on the Capitol Campus with the exception of those placed by the State in recognition of strictly civic holidays such as Presidents Day, Independence Day, and Constitution Day. All seasonal holidays are associated with religious beliefs as they all have their origins in paganism, later adopted as Christian. The "holiday tree" exhibits are of pagan / druid origin and are now associated with Christianity. There is no neutral civic justification for the expenditure of government funds to erect and maintain these sorts of displays. Any displays anywhere on the Capitol Campus must be strictly limited to the legitimate conduct of government business.</p>
Heitman, Stephen	<p>Please keep religion out of the capitol. Do not allow nativity scenes on the capitol grounds this Solstice season.</p> <p>The sun, not a son, is the reason for the season.</p>
Horn, David	<p>I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Jacobs, Bob	<p>Because my testimony at the hearing was rushed, I'm submitting this to be sure that I've communicated my thoughts clearly.</p> <p>I suggest no unattended private exhibits be allowed anywhere on state property. The free speech provision of the Constitution does not require that such exhibits be allowed. And such exhibits are allowed, they will give a false impression of state favoritism and furthermore a repeat of the circus we recently experienced is virtually certain. Just please eliminate unattended private displays</p>
Jade, David	<p>I support the decision not to allow 3rd parties to create displays inside the Capitol building, and also think that this should be extended to the Capitol grounds as well.</p> <p>Any display appearing on government property appears to have government endorsement. If it's not something the government would put there for a legitimate purpose, it shouldn't stay there unattended.</p> <p>When people assemble and carry signs and banners, it's obvious that the people carrying the signs and banners are the ones promoting the messages on them. We should do nothing to stop lawful assembly and peaceful protests in accordance to the</p>

Stakeholder	General Comments
	<p>first ammendment. However, when a display is set up and left on government property with the government's permission, it gives the appearance that the government supports and endorses that message since the group who set up the display is not physically there.</p> <p>On top of those reasons are aesthetic concerns. Allowing any group to put up displays for weeks at a time is likely to turn the capitol grounds into a eyesore. Can you imagine campaign signs dotting the entire capitol campus during the run-up to an election?</p> <p>Please keep our Capitol and the surrounding grounds beautiful and free of clutter. Don't allow 3rd parties to set up unattended displays.</p>
Lane, Debra	<p>the First Amendment does not require the government to let citizens plant displays with their personal beliefs on state grounds for 2 weeks. I believe separation of church and state is important.</p> <p>I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Martin, Lyle	<p>Jim thanks for your e mail regarding the use of public lands for display. I do not care what you allow or not allow, but it must treat all tax paying citizens the same. If you can not pass that test then no display should be allowed at all. Regarding last years problem with displays I feel the State was correct in allowing both displays because it represents both sides of the issue (freedom of speach is neither a religious freedom nor is it a non believer freedom). It is a freedom given to all citizens and it is these freedoms that are being taken away from some of us that I am concerned with. We all expect to be treated the same.</p>
McMillen, Caren	<p>I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p>
Miller, David P.	<p>I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.</p> <p>Americans United for Separation of Church and State</p>
Millet, Alan	<p>I support the state's moratorium on displays inside the State Capitol, and I also urge the state to adopt a similar moratorium for state exterior grounds. Displays such as nativity scenes do not belong outside the Capitol anymore than they belong inside it. I oppose the General Administration's plan to permit 2-week private displays outside the Capitol</p>

Stakeholder	General Comments
	and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble, etc., at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Keep the State Capitol grounds uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Schiebel, Douglas	I oppose any plans to permit 2-week private displays outside the Capitol and on other state grounds. The law and the First Amendment require the State of Washington to allow citizens to assemble at the Capitol. But the State has no legal obligation to create a "public forum" for 2-week displays outside the Capitol. Giving permits for such displays inevitably carries the appearance of state endorsement of those messages. Please keep the State Capitol grounds (and all other state parks or lands) uncluttered, harmonious and free of the religious acrimony that marred the inside of the Capitol last December.
Sorlie, Greg	I applaud the agency for having a moratorium on religious displays. They simply do not belong on the Capitol Campus. Washington citizens have plenty of opportunity through their churches and organizations to display whatever they want on non-government property. But the rule should also address not having anything on the Capitol grounds either, otherwise we will see the same fighting over beliefs only outside....and then possibly encounter people who want to bring guns to show their passion for their religion and the individual freedoms. Keep it simple.....no displays anywhere from any organization....these are government and public taxpayer buildings and grounds.
Sorlie, Greg	I guess the only thing I am concerned about is, does the new rule still allow for the religious displays on the grounds....say in the parking lot or grass outside the capitol Building? Could someone set up a big tent and have a nativity scene? Because if that is allowed, you will have competing groups try and do the same thing right next to them, which will breed resentment and arguments and attention.....and you really have not accomplished anything except take the same old argument outside the building. Religious displays (Christian Muslim, Jewish, Buddhist, Atheist...it doesn't matter)....these have no business being anywhere on the Capitol Grounds....that is what churches and organizations are for. I am just wondering if you have solved the problem from before or just moved it and you will have to go back and redo it after another round of groups rallying around their beliefs and more media attention.
Steinberg, James	<p>I strongly urge you to adopt a stance banning either *all* religious displays on public grounds, or none; preferably banning all, as that would be most consistent with our constitutional duty not to devote state funds to the favoring of religions.</p> <p>I more strongly urge you not to make a special exception for a "holiday tree." We all understand that it's a Christmas Tree, and the ensuing suit will cost the taxpayer millions of dollars in legal fees before you are eventually forced to take it down anyway - it will still be in violation of the separation of church and state, after all.</p> <p>Please, don't waste our money and your time. Just ban all religious displays on public grounds as the founding fathers intended.</p> <p>CUNY</p>
Watkins, David	Religious displays should not be allowed on the Capitol grounds under any circumstances.
Willey, Carole	<p><i>Public Testimony</i></p> <p>I don't know any of the rules not because I came in slightly late but because I can't hear. I'm hard of hearing and tone deaf, so I don't know any of the rules. I'll be quick, though. I like to do that.</p> <p>I think that this -- the procedure and the rulemaking is long in coming. Some of these decisions I've read, and the literature today is very much needed. I think it will do a lot of good.</p> <p>I don't know a lot of the controversy that's going on outside of just being really surprised that this was all going to happen. I -- I would like to maybe -- I don't know</p>

Stakeholder	General Comments
	<p>how it could be -- I'll go upstairs with Scott and maybe make a photograph.</p> <p>I have a permit for an event in the 2010 legislative session on January 18th, and I have a permit. I've learned how to go through this process. Very easy. The staff is just wonderful to help.</p> <p>And I called recently to -- thank you. I called recently to ask if I could have eight tables instead of five, and I was told no. I understand that I have a hearing loss. I have amplified home -- phone at home, and I have a couch at home. But I wanted more information.</p> <p>And I was told at least three times that I could not have tables with literature to educate the public and invite the legislators to come and visit the table to learn more information about health freedom issues, healthcare issues.</p> <p>So I'm looking at the question and answer, and there -- they're not numbered, but it's the fourth one down. It says, "Can we have displays and exhibits on the capitol grounds?" It says, "Yes."</p> <p>So I'm confused. There's incongruent information that really needs to be spelled out. I'm here to make a strong effort amongst probably many in this room to have another public hearing before this rulemaking is complete.</p> <p>And may I please go upstairs and make a copy and bring it back and just leave it on your table or leave it with the gentleman back there?</p>

Response
<p>Courts have held that government may require permits for certain large events to assist in managing the competing demands for public access for free speech and assembly activities. WAC 236-17-100 specifically states that "A permit enables a group to reserve access to specific locations and amenities for specific times, so that the department can schedule and manage the many activities and visitors that come to the capitol buildings and grounds each year."</p> <p>Courts have also upheld permit requirements for various sizes of events. For instance, the 9th Circuit has upheld permit requirements for groups involving 75 or more participants in large public areas. The court has also acknowledged that requiring a permit for smaller groups may be necessary for smaller spaces such as in the capitol buildings, where the volume of activities can pose a problem in managing competing uses.</p> <p>Our rules establish that a permit is required for free speech and assembly activities that will involve 25 or more people in the capitol buildings and for free speech and assembly activities that will involve 75 or more people on the capitol grounds.</p> <p>The larger public spaces of the capitol grounds can accommodate larger crowds associated with various activities, including exhibits and displays. However, the U.S. and State of Washington constitutions do not allow government to favor one religion over another, thereby appearing to "establish" one particular religion.</p> <p>Allowing religious exhibits and displays on the capitol grounds does not result in government establishment of religion when:</p> <ul style="list-style-type: none"> Processed on a first come, first served basis, The sponsor is identified, and A disclaimer with the exhibit or display states it is not owned, maintained, promoted or supported by the State.

Response

The U.S. and State constitutions also protect the free speech rights of those expressing their religious views. Government is not allowed to make decisions based on the content of these religious exhibits and displays. For example, we may not prohibit displays that have religious content while allowing displays that are deemed political, cultural or artistic in content. Nor can we regulate the tone or content of a message. Sponsors of exhibits and displays have free speech protection to disagree with other views.

Advance notice

Stakeholder	General Comments
Wetzel, Tao	I have been involved with the Lakefair Volleyball Tournament as either a player or volunteer for the past 17 years. It has just been brought to my attention that the campus grounds are now on a first come first serve basis and that the tournament may be in jeopardy if someone else claims the grounds first. This is a very large volleyball and community event that brings in players and attention from Canada, Idaho, Oregon and all over Washington. This has been a very effective way of bringing in positive attention to our community and dollars and advertisement to our local businesses that benefit from hundreds of volleyball players being in the downtown area for the weekend. This event is associated with Lakefair so having to find another location away from Lakefair seems pointless. I ask that this would be corrected by allowing advanced reservations of these grounds for events like this. Please consider this so we can preserve an event that has had a positive impact on our community for the last 31 years.
Flynn, Ann Marie	<u>Public Testimony</u> The only comment I had was kind of on the first-come first-served ruling and just because it's such a huge event. And we -- over the weekend of Lakefair we have probably close to 400 players and spectators that come from Oregon and Canada and Idaho and all over Washington state. And we literally use every inch of that campus in setting up 40 nets, and every net is measured inches to a monument or a tree. And we're really -- we are very lucky to have that space every year. We've been doing it for 31 years. And I'm just wondering why there wouldn't be some sort of a first right of refusal for this type of an event with this kind of history and that caliber, especially when we really can't have it anywhere else at this point.

Response

Permits are processed on a first come, first served basis, so that we may manage the many activities and visitors that come to the capitol buildings and grounds each year. We recognize that certain community events have occurred at the same location over many years, and we encourage groups to work with us early for each year to schedule their event activities.

Comments indicate that 6 months is not enough time to reserve dates for many of the activities that routinely occur on the Capitol Campus. After consideration of comments regarding application time frames, we have extended the maximum advance reservation time frame to one year. [See Change #6.](#)

Fees

Stakeholder	General Comments
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Stakeholder	General Comments
Voyles, Ann	<p>The WA Scholars program statute (28A.600.150 RCW) directs the HECB (a state agency) and the WA Assn of Secondary School Principals to hold an awards ceremony each year to recognize the accomplishments of 3 WA Scholars and 1 Alternate from each legislative district. We hold that recognition program in the various buildings of the Capitol Campus each spring (Legislative, Cherberg, O'Brien, and Temple of Justice).</p> <p>The HECB does not currently pay fees to use the Capitol campus buildings for the purpose of the Washington Scholars Day recognition activities. Please keep in mind, with the current budget climate, that state agencies may be severely impacted by the addition of use or rental fees for space use on the Capitol campus. Early notice of the imposition of these types of fees is necessary for budget planning purposes, but may curtail the agency's ability to locate a suitable site for the event due to associated costs.</p>

Response
<p>We have had policies governing activities on the Capitol Campus since 1992 requiring sponsors of activities using state capitol buildings and grounds to reimburse GA for costs incurred by GA that are outside the normal services provided by the department.</p> <p>The rules do not change the current policy. In the permitting process, we will continue to work with you to provide specific responses to your questions based on the details of your service needs.</p>

Street Closure

Stakeholder	General Comments
Butler, Cathy City of Olympia	<p>Would you add me to your distribution list for this topic, since I coordinate with GA staff on behalf of the City when adjacent City property is also requested, e.g. street closures adjacent to Heritage Park, Sylvester Park, etc.</p> <p>We have a strong interest in the State accommodating events, including sales of food and goods, completely within the properties so street closure isn't necessary.</p>

Response
<p>Our authority to permit activities does not extend beyond the capitol buildings and grounds. Event sponsors can request street closure from us only for those roadways on the capitol grounds and must request permission from the City to close those streets under the City's control. We appreciate the concerns you have raised with requests to close city streets related to activities on the capitol grounds, and we are committed to working with you in coordinating activities that have similar touch points.</p>

Display of Flags

Stakeholder	General Comments
Johnson, JW Thurston County Veterans Council	<p>We agree that there needs to be controls BUT we also want to assure that we, as veteran organizations, can still present our organizational flags (chartered by the Federal Government) on a flagpole and hang out banners (i.e. Department of Washington American Legion Band) or our fallen heros banners with the name, branch of service, date of death and WA hometown location in HONOR of their service NOT as a protest.</p>

Response

GA recognizes that the proper display of flags may require the use of poles during an activity,. The rules have been clarified to allow the display of government-recognized flags. [See Change #1 above.](#)

Non-governmental banners may not be hung inside capitol buildings; however, they may be hand-held. Banners may be hung on the capitol grounds, subject to reasonable time, place, and manner restrictions.

WAC 236-17-030 Definitions (2) 'Applicant,' 'I,' 'you' or 'your'

Stakeholder	General Comments
Palm, Bruce	<p><i>Public Testimony</i></p> <p>Under your WAC 236-17-030 Definitions, "(2), 'Applicant,' 'I,' 'you' or 'your' refers any person" -- "person(s)" I would like to -- question if you were to take out the word "person" and put "applicant", any man or woman in the state of Washington seeking permission to use public areas of the capitol buildings or grounds, this whole act would be unconst- -- or this whole WAC would be unconstitutional.</p> <p>I'm not a person. I'm a man who lives in the state. And I really resent the fact that I'm being classified as a legal fiction to bring me under your act. So that's my complaint. And I'd really doubt that you have that authority.</p>

Response

The use of the term "person" is appropriate for this definition. Person is a common gender-neutral word that means man or woman.

WAC 236-17-030 Definitions (8) Free speech and assembly activity

Stakeholder	General Comments
Shaw, Jennifer ACLU	<p>The "25 or more limit" also makes the definition of "free speech activities" in proposed WAC 236-17-030 problematic. The proposed definition of "free speech activities" states that it is "an activity for the purpose of communicating information or ideas to others that are intended or likely to draw the attention, attendance, or participation of others." A permit is required, therefore, whenever an activity is "intended or likely to draw the attention or participation" of 25 or more people.</p> <p>This "intent" requirement used in the proposed rule has been rejected by the Ninth Circuit where it triggers a permit requirement for a relatively small number of speakers. See, e.g., <i>Berger</i>, 569 F.3d at 1047 (striking down ordinance because it depended on what "might conceivably" happen and requiring permits only for groups that actually attract the required number attendees); <i>Foti v. City of Menlo Park</i>, 146 F.3d 629 (9th Cir. 1998) (striking down ordinance on First Amendment grounds because it depended on the subjective intent of speaker to attract attention).</p>

Response

Our interest was to ensure we could manage the volume of activities, not to speculate as to the

Response

likely size of an activity. Applicants are responsible for informing us how many people they estimate will attend their activity, and we will base our permitting decisions on the information provided. We have revised the definition of “Free speech and assembly activity” consistent with our intent. See [Change #3](#) above.

WAC 236-17-100 Do I need to apply for a permit?

Stakeholder	General Comments
Purvine, Stephen	<p>WAC 236-17-100 - Change "less than twenty-five" to "fewer than twenty-five"</p> <p>Why: Fewer is used for items that may be counted (e.g. people, chairs, shoes) and less is used for uncountable, usually abstract nouns (e.g. money, happiness, snow, idealism).</p>
Shaw, Jennifer ACLU	<p>Proposed WAC 236-17-100 requires a permit for “free speech activities” involving 25 or more people. A blanket requirement of a permit for such a small number of participants has been rejected by the Ninth Circuit. In <i>Long Beach Area Peace Network v. City of Long Beach</i>, 574 F.3d 1011, 1033 (9th Cir. 2009), the Ninth Circuit upheld an ordinance requiring a permit for groups of seventy-five or more people gathering in public open spaces. The court made clear, however, that permit requirements extending to smaller groups would be on shaky ground:</p> <p>Although it is a close question, we hold that a group of seventy-five people using a public open space in Long Beach is large enough to warrant an advance notice and permitting requirement. Advance notice and permitting requirements applicable to smaller groups would likely be unconstitutional, unless such uses implicated other significant governmental interests, or where the public space in question was so small that even a relatively small number of people could pose a problem of regulating competing uses.</p> <p>Id. (internal citation omitted). Even more recently, the Ninth Circuit stated that 50 may be too small a number to require a permit. <i>Berger v. City of Seattle</i>, 569 F.3d 1029, 1047, n. 17 (9th Cir. 2009) (en banc).</p>

Response

GA recognizes the concern that our proposed rule may have been too restrictive in requiring a permit for activities involving 25 or more persons on the capitol grounds. The expansive nature of the public spaces available on the capitol grounds is substantively different than the much more confined public areas inside the capitol buildings.

It is appropriate for use requirements to be less restrictive on the capitol grounds than inside the capitol buildings, in accordance with design, health, safety, operational, and other such considerations. We have clarified the rule to provide two permit requirement thresholds for free speech and assembly activities:

Twenty-five people for activities inside buildings, and seventy-five people for activities on the grounds. [See Change #4 above.](#)

WAC 236-17-110 When do I have to apply?

Stakeholder	General Comments
Jordan, Janet	The new Rules require two days' notice for every public gathering. Yet a public gathering can be in response to some emergency requiring an immediate response, and a two days' delay can mean a tepid public reaction that makes it look as if people don't really care. This would seem to be one of the predictable results of the rule. Is it what you intended?

Response
<p>GA recognizes that significant events or news may prompt a spontaneous gathering of individuals that cannot meet the 2-day advance permit process. Such gatherings are a protected form of free speech and assembly.</p> <p>It was not our intent to imply that such gatherings are prohibited by our rules. We have clarified the proposed rule to provide guidance for spontaneous gatherings under WAC 236-17-110 that still ensures we can meet our obligation to manage use of the public areas of the capitol buildings and grounds while facilitating the normal conduct of state operations, the safety of people and property, public access for free speech and assembly activities, and the condition and appearance of the capitol buildings and grounds. See Change #7 above.</p>

Stakeholder	General Comments
Clinton, Sarah YMCA	<p><u>Public Testimony</u></p> <p>I am Program Director for the Washington State YMCA Youth & Government program. Our Board Chair and Executive Director have submitted formal written comments and I am here today to represent them and our organization.</p> <p>Each year, for the past 62 years, Washington students have visited the Capitol Campus as delegates to the YMCA Youth Legislature. In this time, 32,000 young people have experienced democracy in action in these marble halls. It is an honor and educational experience unmatched by other programs.</p> <p>The use of the Capitol facilities is central to this experience. Throughout the years it has been a pleasure working with GA staff to ensure future students have the same opportunities as those that have come before. We look forward to continuing our relationship with the facilities staff in the years to come and thank you for hearing our comments today.</p> <p>YMCA Youth & Government does not anticipate the proposed codes will have any significant impact on our program, however we do have four areas of concern we would like to address. These are:</p> <ul style="list-style-type: none"> The maximum time for reserving facilities, Charges for services provided by GA, The hanging of signs and banners, and Collection of donations <p>First, I will address the 120 day maximum proposed for facilities requests. In order to meet the needs of our students and partnering organizations, it is critical that we distribute program calendars and announce the location of events at the beginning of each academic year. In order to do so we must secure facilities one year in advance of planned events.</p> <p>Additionally, the number of local facilities available to accommodate our large group is limited and these sites are often booked 9 months to a year in advance. It is our concern that the 120 day reservation period would not allow us enough time to find alternate facilities if our application was denied on the first come first serve basis.</p> <p>The proposed code states that these requirements could be waived. Our organization would like clarification on who these times restrictions would be waived for and what</p>

	<p>process would then take over. For example, would it be a standing waiver or would we have to apply each year? And, if the time requirement was waived would there be a new deadline at which permits would still be issued on a first come first serve basis?</p> <p>Our second area of concern is the possible increase in charges for services provided by GA. In the past 62 years we have not been charged for any services provided. We traditionally use table, chairs and electronic equipment such as TV's and microphones and make sure adequate garbage and recycling receptacles are available for use around the buildings.</p> <p>It is the policy of our organization that we leave the facility better than we found it. We also work closely with GA to ensure there is appropriate staff coverage during all hours students are on the campus.</p> <p>We understand the new code mirrors the current policy that states any services provided that create additional costs for the State will be charged to the organization receiving services. As have not been charged for services under the current policy we do not expect, and have not planned for, any changes with the approval of these codes. As our program operates on a limited budget, it would be a financial hardship to begin incurring costs for services provided and not previously budgeted for.</p> <p>Thirdly, we would like clarification on the hanging of banners and signs. Historically our organization has been allowed to display three types of signs and banners: Directional signs Organizational banners, and Sponsor signs</p> <p>Will there be exemptions for any of these types of signage? And, if so will there be specific guidelines outlining these exemptions or will they be based on the needs of the group?</p> <p>The fourth and final area I will address today is that of collecting donations in public spaces. During the course of our event we do not actively ask for donations, but we do give individuals the opportunity to support the program by leaving a "donations basket" out in the public space. We would like clarification on whether this will continue to be allowed.</p> <p>Thank you to the committee for allowing us this opportunity and we look forward to working with you.</p>
Nesbit, Janelle D. & Helm, Lucy Lee YMCA Youth & Government	<p>On behalf of YMCA Youth & Government please accept the following comments relating to the proposed rule changes that apply to the use of the Public areas of the Capitol.</p> <p>Organizational Background: The YMCA Youth & Government Program is a non-partisan, non-profit that serves youth throughout the state of Washington through two statewide civic education programs; Youth Legislature and Mock Trial.</p> <p>The mission of the YMCA Youth & Government program is to provide Washington's youth with hands on civic education.</p> <p>It has been our honor and a privilege to work with the Washington State Legislature, and Capitol Facilities Leadership staff each year for the past 62 years to host the Washington State Youth Legislature at the State Capitol *(1). To date over 32,000 students have experienced democracy in action within the state capitol through 3 days of lawmaking. This is where they come to the legislative process, their roles as citizens of our state, and to respect the Capitol as a functioning facility as well as an historical institution. For many of these students, it is their first visit to the Capitol, and for some, their only visit to the state Capitol. For some, the experience of the Youth Legislature in the Capitol has lead them right back to a lifetime career as a legislator or staff member. Students take away confidence in their ability to participate as active, informed citizens.</p>

	<p>It is an honor and educational experience that is unmatched by other programs. Because use of the Capitol facilities is central to the Youth Legislature program we are submitting our comments and questions relating to the proposed rule changes.</p> <p>We fully understand and appreciate the need for such changes and it is our understanding that the rule changes are not meant to, or will, have a significant impact on the Youth & Government Youth Legislature program.</p> <p>*(1) The only time the Youth & Government Youth Legislature has not used the Capitol facilities was during the years in which the Capitol was under renovations following the 2001 earthquake.</p> <p>This draft rule states that permit requests may not be submitted more than 120 working days prior to the event and permits will be distributed on a first come first serve basis. The director may waive these time requirements if necessary.</p> <p>Currently YMCA Youth & Government submits a letter of request to reserve the public areas of the Capitol facilities directly following the Youth Legislature session each year in the spring. This is nearly one year in advance of the dates being requested. This timeline has been evaluated and adjusted many times over the last 62 years. Reserving facilities one year in advance is critical to academic planning for the school delegations throughout Washington academic planning. The Youth Legislature program is one of the five programs that meet the Civic Education Classroom Based Assessment requirements to graduate high school.</p> <p>The YMCA Youth Legislature program works with schools, YMCA's, individuals, corporation and partnering government and non-profit agencies statewide who need event dates and locations in order to develop annual budgets, academic and activity calendars and program materials.</p> <p>Reducing our planning time to 120 days would cause a hardship and potentially a reduction in the number of participants if we were unable to publish a calendar and ensure adequate facilities prior to the start of each academic year. The number of local facilities available to accommodate our large group is limited and these sites are often booked 9 months to a year in advance. It is our concern that the 120 day reservation period would not allow us enough time to find alternate facilities if our application was denied on the first come first serve basis.</p> <p>Questions:</p> <ul style="list-style-type: none"> - Will any organizations be exempt from the maximum 120 day restriction and be able to request the use of the facilities one year in advance, based on their function and history? If this requirement is waived will we be required to request the waiver each year, or will it be a standing arrangement? - If a time requirement is waived will there be a new deadline? If so, will permits still be issued on a first come first serve basis? Will those organizations with long standing history with programs be given a priority based on the 62 year relationship between our program and the capitol facilities? - Will we be notified if other groups are asking for the same dates/locations for permits?
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Response

In consideration of these comments, we have extended the maximum advance reservation timeframe to one year. [See Change #6 above.](#)

The proposed language granting the director authority to waive time requirements could inadvertently lead to subjective processing of permit applications. To ensure consistency, all instances granting the director such authority have been removed throughout the chapter. [See](#)

Response

[Change #12 above.](#)

It was not our intent to restrict fund-raising that is an integral part of free speech and assembly activities. To address this ambiguity, we have clarified the rule to reference only private and commercial sales, solicitation, and fund-raising activities. [See Change #10 above.](#)

In the permitting process, we will continue to work with you to provide specific responses to your questions based on the details of your service needs.

Stakeholder	General Comments
Purvine, Stephen	<p>Add definition for "Working Days". If it is already defined elsewhere and would apply to this regulation, then reference it.</p> <p>Why: WAC 236-17-110 specifies when applications must be turned in using working days. Not all businesses and organizations are familiar with state office schedules especially concerning what day(s) the offices may be closed due to a holiday. Also, with the furlough days and compressed work schedules being used in some offices there may need some clarification of which days are counted as working days so as to be clear to everyone.</p>

Response

We have clarified the definition and all other related sections. [See Change #5 above.](#)

WAC 236-17-120 What information do I have to provide?

Stakeholder	General Comments
Martin, Chris	<p>I do not have postal delivery at my street address. I suggest that new section WAC 236-17-120 be updated to indicate "mailing address" instead of street address.</p> <p>NEW SECTION WAC 236-17-120 What information do I have to provide? (1) On your application, you must provide the following information: (a) Your name and street address or e-mail address or telephone number.</p>

Response

We have changed the rule to mailing address instead of street address. [See Change #8 above.](#)

WAC 236-17-140 How will general administration make a decision on my application?

Stakeholder	General Comments
Jordan, Janet	<p>Again, the Rules give priority on a first-come, first-serve basis, so that some group in support of an unpopular ruling can have its permit in place early as part of its strategy. The Rules can then forbid opponents from gathering. This is predictable. Is it your intent?</p>

Response

Requests for allowable activities are permitted for specific times and locations on a first come, first served basis. The rules do not prohibit opponents of an activity from gathering. Other persons may request a different location or time on the state capitol buildings and grounds for their free speech and assembly activity.

WAC 236-17-210 General administration may set reasonable time, place, and manner limits on activities.

Stakeholder	General Comments
Chappell, Ralph	<p><i>Public Testimony</i></p> <p>If I understand correctly, the proposed part of the New Section WAC 236-17-210, "No exhibits or displays may be placed in or posted or affixed to any capitol building," will preclude these displays in the future. Therefore, I urge its adoption and believe it supports our constitutionally guaranteed rights of separation of church and state expressed in the U. S. and Washington State Constitutions.</p> <p>Another proposed part of the New Section WAC 236-17-210 is, "Banners, signs, exhibits or displays may be placed or posted on the capitol grounds. Such items must be removed at the end of the activity. Such items must also clearly identify the sponsor and contain a disclaimer stating that they are not owned, maintained, promoted, or supported by or associated with the state. The state assumes no liability for loss or damage to such items."</p> <p>If I understand it correctly, I urge its adoption and believe it supports our constitutionally guaranteed rights of free speech and assembly.</p>

Response

We agree that the proposed rules are consistent with both the U.S. Constitution and the Washington State.

Stakeholder	General Comments
Jennings, MaryGrace	<p>236-17-210 (3): "posted" feels redundant to "affixed to." Provide an exception for areas that may be specifically designated by GA for this purpose. Example: designated spaces (like bulletin board space or electronic bulletin board) in the SE Entry and at Pritchard, for posting information about displays and events happening on campus, that direct visitors to these events.</p> <p>Question: Is "placed in" is too restrictive? Does it prevent someone from showing an educational power-point presentation, or setting out signage and info on tables <i>in a reserved meeting space</i>? If so, it would seem to be unreasonably restrictive.</p> <p>Revise as follows:</p> <p>No exhibits or displays may be placed in or affixed to any capitol building. <u>GA Visitor Services may (will?) post information and bulletins about public events, exhibits or displays scheduled to occur around the campus in designated areas.</u></p> <p>Banners or signs may be used during an activity in a capitol building only if they are handheld, and not affixed to sticks or poles.</p> <p>Banners, signs, exhibits or displays may be placed or posted on the capitol grounds.</p>

	<p>Such items must be removed at the end of the activity. Such items must also clearly identify the sponsor and contain a disclaimer stating that they are not owned, maintained, promoted, or supported by or associated with the state. The state assumes no liability for loss or damage to such items.</p> <p>The disclaimer (see strikeout language in red above) is overkill. It would prevent a child from making a Happy Birthday sign for a friend. Individual expression does not require disclaimers or sponsors and they shouldn't be demanded by the state.</p>
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Response	
<p>The rules do not apply to the activities of government. Government may post information and bulletins at the capitol buildings and grounds.</p> <p>We have clarified the requirement for sponsor disclaimers. See Change #11 above. Additionally, the rules have been revised to allow the posting of way-finding signage during permitted activities, subject to reasonable time, place, and manner restrictions. See Change #1 above.</p>	

Stakeholder	General Comments
Nesbit, Janelle D. & Helm, Lucy Lee YMCA Youth & Government	<p>WAC 236-17-210: As it relates to the hanging of banners and event signage.</p> <p>This draft rule states that no signs will be affixed to the Capitol Building or displayed on poles or sticks.</p> <p>Historically YMCA Youth & Government has displayed the following signs/banners during the Youth Legislature:</p> <ol style="list-style-type: none"> 1. YMCA Youth & Government Banners – Banners have been hung both in the Rotunda and on the walk way across Capitol Boulevard while the Youth Legislature is in session. This has helped increase community awareness of the session and identifies YMCA Youth & Government as the sponsoring organization of the event. 2. Directional Signs – Directional signs on brightly colored 8 ½ x 11 paper have been placed throughout the buildings on the Capitol Campus during the Youth Legislature. Signs have been affixed to the marble walls with blue painters tape and have not been affixed to any painted surfaces. These signs are critical in ensuring the 600+ people attending the event are able to easily navigate their way through the campus. This also lets delegates know what portions of the buildings are being used by our organization and limits the amount of time government staffers spend answering directional questions. 3. Sponsor Banners – For the past two years we have invited those organizations sponsoring the YMCA Youth Legislature program at a significant level to display banners throughout the time the Youth Legislature is in session. These banners have been affixed to tables in the south foyer of the Rotunda. <p>Questions:</p> <ul style="list-style-type: none"> - Will we be allowed to hang organizational banners in the Rotunda and on the Capitol Way walking bridge throughout the event? If so, is there a separate reservation/permit process for this? - Will we be allowed to post directional signage? If so, will there be any limitations or guidelines about where we can post, for how long signs may stay in place, and the materials used to affix signs to the walls of the Capitol Building. - What information will be required on signs (sponsoring organization/disclaimer) and how will that information need to be presented?

	<p>- Will we be allowed to hang sponsor signs?</p> <p>- Will be allowed to hang signs/banners on tables (though we are not allowed to display them on sticks or poles)?</p>
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Response

The rules prohibit all non-governmental banners and signs inside a building unless they are handheld. The term “banners and signs” was not defined. Some comments requested clarification whether this restriction directional signage.

We recognize that way-finding signs are important to facilitate the safe and effective management of large groups in the buildings. The rules have been clarified to allow way-finding signs. [See Change #1 above.](#)

In the permitting process, we will continue to work with you to provide specific responses to your questions based on the details of your service needs.

Stakeholder	General Comments
Shaw, Jennifer ACLU	<p>Proposed WAC 236-17-210 requires that exhibits or displays “must also clearly identify the sponsor and contain a disclaimer stating that they are not owned, maintained, promoted, or supported by or associated with the state.” This rule is unnecessary and open to arbitrary enforcement.</p> <p>The rule is unnecessary because it is likely to be clear what is, and is not, government-sponsored speech, and if the government believes there will be any confusion, it is the responsibility of the government to post a notice indicating the speech is not government speech. The cost to the government of creating such notices would be minimal.</p> <p>The rule is open to arbitrary enforcement because it is ambiguous what “clearly” will mean: will exhibits and displays be required to have the disclaimer as prominently displayed as the actual message? From what distance will such a disclaimer have to be visible? What language would “clearly” disclaim the government’s role in the speech? Given this ambiguity, it is likely that messages the government deems controversial will be subject to greater scrutiny than other messages, and these messages will thus be required to have more prominent disclaimers. Such disparate treatment of messages is unconstitutional. See, e.g., <i>Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality v. City of Seattle</i>, 550 F.3d at 802 (striking down ordinance that allowed city officials to place greater restrictions on controversial speakers).</p>

Response

We concur that “clearly” could be interpreted subjectively, potentially leading to inconsistent permitting decisions over time. In order to avoid any ambiguity, the rules have been revised to remove the word “clearly.” [See Change #11 above.](#)

It is not the responsibility of government to post a notice at all activities indicating the speech is not government speech. In addition, given the high volume of activities at the capitol buildings and grounds, the cost to the state is not minimal.

Stakeholder	General Comments
Stubbs, Eric	WAC 236-17-030 Definitions says "'Activity' means one or more people gathering for a common purpose or cause"

	<p>WAC 236-17-210 states that,</p> <p>"Banners, signs, exhibits or displays may be placed or posted on the capitol grounds. Such items must be removed at the end of the activity."</p> <p>This appears to mean that banners, signs, exhibits or displays must be removed from capitol grounds when people are no longer gathering for a common purpose or cause. (not left unattended)</p> <p>If so, I think this is a very reasonable policy. However, if any banners, signs, or exhibits, or displays are permitted to be left unattended on capital grounds by the group responsible, this gives the appearance of the banner, sign, exhibit, or display being endorsed by the state, even if the sponsor is clearly identified. It gives the appearance that the sponsor is endorsed by the state.</p> <p>I think the policy should be amended to clarify this and state:</p> <p>"No banners, signs, exhibits or displays may be left unattended on the capitol grounds."</p>
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Response

The rules allow for unattended banners, signs, or exhibits or displays to be placed on the capitol grounds; however, they must be removed when the activity they are associated with or promoting is over. The rules also require identification of the sponsor, and such identification is adequate to establish that the state is not endorsing or sponsoring the message. Further clarification in the rule is not necessary.

WAC 236-17-220 Activities may not disrupt the conduct of government business. And WAC 236-17-230 Activities may not obstruct safe access for people or vehicles.

Stakeholder	General Comments
Shaw, Jennifer ACLU	<p>Additionally, we are concerned that proposed WAC 236-17-220 and 230 confers overly broad discretion to deny a permit request. Protests by their nature are intended to draw the attention of the public or particular individuals such as law makers. Allowing the government to prohibit any free speech activity or deny a permit request because the activity may "disrupt the conduct of government business" or "obstruct safe access for people or vehicles" for a period of time is constitutionally suspect since it does not include qualifiers that would narrow the government's discretion. In the recent case of the Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality v. City of Seattle, 550 F.3d 788 (9th Cir. 2008), the court noted that regulations upheld by the Supreme Court and Ninth Circuit included qualifiers that cabined discretion. 550 F.3d at 800-801. The proposed rules contain no qualifiers such as limiting activities that "unreasonably" interfere with traffic or government business, place on "undue burden" on the flow of people or vehicles, or restrictions that are "necessary" to protect the functioning of government.</p>

Response

Some concerns were raised that the proposed text of WAC 236-17-220 and 230 and WAC 236-12-430 gave the state broad discretion to deny or revoke a permit due to minor disruptions of government activities or momentary obstructions of access. We have clarified the rule to specify that activities may not "unreasonably" disrupt government business or interfere with safe access. [See change #9 above.](#)

WAC 236-17-320 General administration may set reasonable time, place, and manner limits on free speech and assembly activities.

Stakeholder	General Comments
Nesbit, Janelle D. & Helm, Lucy Lee YMCA Youth & Government	<p>WAC 236-17-320: Relating to charges for services provided. This draft rule states that groups may be charged for services provided by GA.</p> <p>YMCA Youth & Government has not been assessed or charged for services provided by GA as part of the annual Youth Legislature to date. The current policy states that if there is an increased cost to the state for services provided, GA is required to recoup these costs. As we have worked very closely with GA staff in the past, and not been charged for services provided, it is our understanding that if our event does not require additional costs above and beyond what the state already has provided in past years, there will be no additional charges.</p> <p>Some ways in which our organization interacts with staff in the planning and execution of the Youth Legislature are as follows. In planning the event we communicate and meet with GA staff via phone, email and in person. During the 4 days the Youth Legislature takes place we use tables, chairs, microphones, and podiums. We also work with GA staff to make sure there are adequate garbage and recycling receptacles available throughout the buildings. In addition the YMCA Youth & Government program works to coordinate our schedules so that there is appropriate staffing during the hours our programming takes place.</p> <p>Due to our limited financial resources and annual budget calendar, it would be a hardship for the YMCA Youth & Government program to pay additional fees associated with the use of the Capitol facilities in the upcoming year. If we were to be assessed fees it would be necessary to build these into the budget and that could have an impact on the cost for students throughout the state and potentially reduce the number of student participants. In order to keep fees low, students pay a minimum fee to participate and we raise over 2/3 of our budget through individual and corporate sponsorships. This fundraising is planned annually, one year in advance, to fund the program. It will be a financial hardship for our organizations to assume additional costs for services without having budgeted for them up to this point.</p> <p>Questions:</p> <ul style="list-style-type: none"> - Will we be charged for additional custodial during the Youth Legislature? If so, how much? - Will we be charged for events taking place after regular business hours? - Will we be charged for the use or set-up of chair, tables and electronic equipment such as microphones and TV/DVD players?

Response
<p>We have had policies governing activities on the Capitol Campus since 1992 requiring sponsors of activities using state capitol buildings and grounds to reimburse GA for costs incurred by GA that are outside the normal services provided by the department.</p> <p>The rules do not change the current policy. In the permitting process, we will continue to work with you to provide specific responses to your questions based on the details of your service needs.</p>

WAC 236-17-420 General administration may set reasonable time, place, and manner limits on private and commercial activities.

Stakeholder	General Comments
Nesbit, Janelle D. & Helm, Lucy Lee YMCA Youth & Government	<p>WAC 236-17-420: Related to fund-raising and solicitation This draft rule states that solicitation, sales, and fund-raising are not permitted in the public areas of the capitol campus buildings.</p> <p>In years past YMCA Youth & Government has provided an opportunity for individuals and organizations to donate money by including a “donations welcome” basket on our table display. Staff and volunteers are instructed not to ask for donations or sell any merchandise in public areas.</p> <p>Questions: - Is providing a “donations accepted” basket for people to donate if they wish acceptable under the new code?</p> <p>Conclusion: In providing these comments the YMCA Youth & Government hopes to add to the overall process involved in making these rule changes and policy updates to the use of the Capitol Facilities a positive experience for all involved. It has been our honor and privilege to work with the Capitol Staff over the last 62 years in planning and partnering to host the Youth Legislature. We truly look forward to many more years of serving the youth of Washington through the shared use of the Washington States Capitol Facilities. It is an honor for all involved to experience the splendor of this magnificent buildings and grounds, and to enjoy the youthful enthusiasm that the 600 plus students bring to each Youth Legislature Session in May.</p> <p>We thank the committee for allowing those organizations who regularly use the facilities to share in this rule making process through our formal written comments, feedback throughout the process and answering our individual questions along the way.</p>
Shaw, Jennifer ACLU	<p>Proposed WAC 236-17-420 states that “fund-raising activities” are limited to “less formal” parts of the capitol grounds. For many groups, however, soliciting contributions may be an integral part of their message and/or may be the only way the group can continue to promote its message. See, e.g., <i>Riley v. Nat’l Fed’n of the Blind of N.C., Inc.</i>, 487 U.S. 781, 796 (1988) (protecting charitable solicitation as “fully protected speech” because commercial and advocacy purposes are “inextricably intertwined”); <i>Vill. of Schaumburg v. Citizens for a Better Env’t</i>, 444 U.S. 620, 632 (1980) (“Prior authorities . . . clearly establish that charitable appeals for funds, on the street or door to door, involve a variety of speech interests—communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes—that are within the protection of the First Amendment”).</p>

Response

This section applies to private and commercial activities. It was not our intent to restrict fund-raising that is an integral part of free speech and assembly activities. However, the proposed rule may have appeared ambiguous in this regard.

To address this ambiguity, we have clarified the rule to reference only private and commercial sales, solicitation, and fund-raising activities. [See Change #10 above.](#)

Stakeholder	General Comments
Shaw, Jennifer ACLU	<p>Proposed WAC 236-17-320 provides that “free speech activities” may not exceed fourteen consecutive calendar days. Proposed WAC 236-17-420 contains a clause that for private and commercial activities “the director may waive” the 14 day time limit. It violates free speech principles to allow commercial activities greater scope than free</p>

	speech activities.
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Response

The proposed rules contained provisions granting the director authority to waive certain time requirements. These waiver provisions were inadvertently omitted in WAC 236-17-320. Consequently, it appeared the rules imposed greater restrictions on free speech and assembly activities than on private and commercial activities.

To ensure consistency, we have revised the proposed rule and removed language granting the director authority to waive requirements throughout the chapter. [See Change #12 above.](#)

WAC 236-12-430 and 440

Stakeholder	General Comments
Coday, Michael	<p>2 comments: First the proposed changes to 236-12-430 and 440 appear to limit the exercise of the first amendment right to assemble, engage in free speech and to petition for redress of grievance. I urge you to refrain from modifying the rules for use of the Capitol Campus.</p> <p>Second, the public comment period is much too short and I request that the public comment period be extended for at least an additional 30 days.</p>

Response

Comments regarding free speech and assembly are addressed in the section above titled [Free speech and assembly](#).

After considering comments regarding the duration of the public comment period, we extended the public comment period through October 1, 2009.

WAC 236-12-250

Stakeholder	General Comments
Culbertson, Denise	<p>I feel this is a abuse of government powers to create these rules to stop the public from the right to petition our government. You have taken two WAC's 440 and 430 which are two small paragraphs.</p> <p>And want changed them into 7 pages and 25 new sections. To gain the powers of telling the public when and how they may protest!! And allow you to cancel the event at your will?</p> <p>All due to the increase of conservative america's in 2009 (the sleeping giant) standing up for the constitution!!! Why if this is not the reason, Did you not change the requirements for government officials who have lobbyist groups ect. on the grounds?</p> <p>WAC 236-12-250</p> <p>No agency filings affecting this section since 2003</p> <p>Special event permits. Any state official, agency or department sponsoring or making arrangements for conferences, meetings, schools, seminars or other special events which will require special traffic control and parking arrangements will confer with the</p>

Stakeholder	General Comments
	<p>director as to such arrangements.</p> <p>Why haven't you changed the rules for them??? Included them in the 25 new sections?? 7 Pages!!!</p> <p>This is wrong and I will be writing my representatives about the constitutional rights of of this new rule making which only applies to one group of peoples use of our public building!! And under the judgement of a few people to decide if our permit will be allowed!!!</p>

Response
<p>The primary use and purpose of the capitol buildings and grounds is the conduct of government business. WAC 236-12-250 addresses the management of parking impacts from the conduct of government business by state officials and agencies.</p> <p>The scope of WAC 236-17 does not extend to the conduct of government business. The new rules govern the use of the public areas of the capitol buildings and grounds for free speech and assembly, private, and commercial activities. In crafting these rules, we carefully considered our objectives to balance the conduct of government business, public access and expression, and the stewardship of the historic capitol buildings and grounds.</p>

WAC 236-12-430 Demonstrations, parades -- Obstructing traffic, state business -- Prohibiting

Stakeholder	General Comments
Jordan, Janet	<p>The Rules forbid any interference with regular foot traffic on the Capitol Grounds. This means that any large group that displays a spontaneous outpouring of feeling must hold itself back from the pathways when public officials walk through. If the group is so large that it would tend to interfere with foot traffic, that fact alone means there is significant public feeling, something the officials of a democracy should be dealing with rather than dismissing and controlling by police action.</p>

Response
<p>Safety considerations apply to all activities at the capitol buildings and grounds, even spontaneous gatherings. However, as noted in Change #9 above, we recognized concerns that the proposed rule might give the state discretion to prohibit free assembly due to momentary obstructions of access or minor disruptions of government business. We have clarified the rule to specify that activities may not "unreasonably" interfere with safe access or disrupt government business.</p>

Exhibit A Robert Shirley's suggested changes

Stakeholder	General Comments
Shirley, Robert	<p>The suggested changes are mostly editorial; there are two substantive changes suggested.</p> <p>In addition to the .pdf, I have attached a "track changes" version in .doc (I do not have .docx).</p>

Stakeholder	General Comments
	<p>The footnotes are explanatory and not intended as additions to the draft rules.</p> <p>For what my opinion is worth to you, in thirty years of reading, writing, and arguing over state rules, your draft rules are far better than most rules.</p> <p><i>[Note: Mr. Shirley's deletions to the proposed rule are formatted in blue and additions are formatted in red.]</i></p>

Response
<p>Mr. Shirley provided an extensive review of the proposed rule. In response to Mr. Shirley's suggestions, we made a number of grammatical or clarifying edits and do not consider any to be substantive changes for purposes of the Administrative Procedures Act (RCW 34.05).</p>

Chapter 236-17 WAC

USE OF THE PUBLIC AREAS OF THE CAPITOL BUILDINGS AND GROUNDS

GENERAL PROVISIONS

NEW SECTION

WAC 236-17-010 **Purpose** **Conduct of government and public access to capitol buildings and grounds.** The purpose of these rules is to provide guidance regarding the use of the public areas of the capitol buildings and grounds by the public for free speech and assembly activities, for commercial activities, and for private activities.¹ General administration's objective is to will balance the conduct of government business and the stewardship of the historic capitol buildings and grounds with public access and expression and the stewardship of the historic capitol buildings and grounds in the administration of the capitol buildings and capitol grounds. These rules are not applicable to the conduct of government.

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¹ Rather than start with a statement of purpose, which invites interpretation and speculation about what is permitted, consider starting with a clear declaration of the elements to be balanced.

NEW SECTION

WAC 236-17-020 Nondiscrimination. General administration

~~shall~~ ~~will~~² not discriminate in the application of these rules on the basis of race, religion or creed, color, national origin, age, disability, the use of a service animal, marital status, veteran's status, sexual orientation or gender identity, or political viewpoint.

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² Because these rules are GA's, "will" expresses GA's planned action with respect to discrimination; whereas "shall" suggests the rules are being imposed on GA. In addition, "shall" has an imperious ring to it.

NEW SECTION

WAC 236-17-030 Definitions. For purposes of these rules, these words or phrases have the following meaning:

(1) "Activity" means one or more people gathering for a common purpose or cause.

(2) "Applicant," "I," "you" or "your" refers to any person(s) or organization(s) seeking permission to use the public areas of the capitol buildings and grounds.

(3) "Capitol buildings and grounds" means those buildings

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and grounds over which the department of general administration exercises custody and control under RCW 43.19.125.

(a) "Buildings" means enclosed buildings and adjoining

structures. Included in this definition are, among other buildings, the Legislative Building, the Old Capitol Building, and the Temple of Justice.

(b) "Grounds" means exterior spaces including, but not limited to, walkways, plazas, lawns, plantings and parks.

The capitol buildings and grounds include Included in this definition are, among other grounds, such locations as the capitol campus, Heritage Park, Marathon Park, Centennial Park, Sylvester Park, the Old Capitol Building, the surface and shores of Capitol Lake, and Deschutes Parkway.

(4) "Commercial activity" means an activity that promotes, creates, or exchanges commercial products or services.

Commercial activities may include, but are not limited to, advertising, fund-raising, buying or selling any product or service, encouraging paid membership in any group, association or organization, or the marketing of commercial activities.

Commercial activities do not include such activities by or for government entities.⁴

(5) "Director" means the director of the department of general administration.

(6) "Exhibit" or "display" means an object or collection of

³ "May" is unnecessary when followed by "but are not limited to."

⁴ Because of WAC 236-17- 010 and 200 ("These rules are not applicable to the conduct of government." and "These

requirements are not applicable to government activities.") it is unnecessary to include the reference to governmental activity.

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objects presented publicly with the intention to communicate facts, a particular impression, a viewpoint or an opinion. Exhibits or displays may include, but are not limited to, paintings, sculpture, ceramics, photographs, video or computer screens, informational booths and tables, or other similar objects and arrangements.

(7) "Free speech and assembly activity" means an activity for the purpose of communicating information or ideas to others that are intended to or likely to draw the attention, attendance, or participation of others. Free speech and assembly activities may include, but are not limited to, assemblies, marches, rallies, performances, community events, press conferences, demonstrations, celebrations, ceremonies, speeches and other similar expressive activities.

(8) "General administration," "department," "us," or "we" refers to the department of general administration.

(9) "Permit" means a written permit issued by the department of general administration authorizing the use of public areas of the capitol buildings and grounds when as5 required by these rules.

(10) "Private activity" means an activity sponsored by a private individual, business or organization that is not open to the general public. Private activities may include, but are not limited to, banquets, receptions, award ceremonies, weddings, concerts, dances, and seminars.

(11) "Public area" means those areas of the capitol

5 "When" is temporal and the application of these rules will not vary with time.

5

buildings and grounds that are generally open to the public, such as a building's primary public entrance lobby;; rotundas and adjoining public mezzanines;; and exterior plazas; and lawns. Public areas do not include offices;; meeting rooms, and other work areas that are ordinarily reserved for or primarily devoted to conducting the business and operations of state government;; the governor's mansion;; and any area which is identified by a sign pursuant to authorized by WAC 236-12-450 indicating that the area is not open to the public.

(12) "Service animal" means an animal, including guide dogs, trained to do work or perform tasks for the benefit of a person with a disability, as defined by applicable state law, and/or federal laws, or both state and federal law.

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PERMIT APPLICATION REQUIREMENTS

NEW SECTION

WAC 236-17-100 Do I need to apply for a permit? You do not need a permit for free speech and assembly activities involving less than twenty-five people. However, if you obtain a permit for free speech and assembly activities involving less than twenty-five people the effect of the permit is to enables you to reserve access for you to specific locations and amenities for specific times.

You must obtain aA permit is required for free speech and assembly activities that are reasonably expected to involve twenty-five or more people and for all private or commercial activities so that we can schedule and manage the many activities and visitors that come to the capitol buildings and grounds each year. This process is essential to balancing the conduct of government business with public access and expression and the stewardship of the historic capitol buildings and grounds.⁶

[]

⁶ Redundant.

NEW SECTION

WAC 236-17-110 When do I have to apply? You must give us a completed application at least two working days prior to the

date that you wish to reserve if your activity requires a permit. For example, for an event to be held on a Tuesday, your application must be submitted before close of business Thursday; for an event to be held on a Friday, your must be submitted before close of business on Tuesday.

You may not submit an application more than one hundred twenty working days in advance of the date that you wish to reserve.

If you demonstrate good cause why the director should waive the two working days requirement or waive the one hundred twenty working days requirement, then the director, at the director's sole discretion, may waive the applicable requirement. Where circumstances establish good cause, the director may waive these time requirements.

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NEW SECTION

WAC 236-17-120 What information do I have to provide? (1)

On your application, you must provide the following information:

- (a) Your name and street address, and a current or e-mail address or telephone number.
- (b) Your desired date, time, duration, and location for your activity.
- (c) A description of the nature and type of activity.
- (d) An estimate of the number of people who will attend

your activity.

(e) A description of any equipment or gear to be used for your activity.

(2) We may also require additional information, including but not limited to:

(a) Any special consideration or accommodations being requested; and

(b) Any services provided by general administration that you will need and for which there are fees. These may include, but are not limited to, custodial services, sound or electrical equipment set-up or tear-down, or temporary amenities such as speaker stands, tents, platforms, stages, or chairs.

7 IF GA receives a street address only, GA will find it difficult to communicate a denial in time to give an event sponsor a reasonable opportunity to inform would-be attendees that the event is not permitted.

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NEW SECTION

WAC 236-17-130 How long will it take to make a decision on my application? We shall will issue your a permit or deny your application as promptly as reasonably possible, and in all cases within two working days of receiving receipt of your completed application form. We shall will state the reasons for any

denial to you in writing.

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NEW SECTION

WAC 236-17-140 How will general administration make a decision on my application? First priority for the use of capitol buildings and grounds is for state government [needsactivities](#). If there would be no conflict with state government [needsactivities](#), we will process permit applications for other uses on a first-come, first-served basis.

[What is needed is debatable; a government activity, even a frivolous government activity, is not debatable: either the](#)

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We [shall](#) [will](#) also consider whether your requested activity complies with our general use requirements (WAC 236-17-200 through 236-17-280) and any other applicable requirements set forth in this chapter.

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[government is acting or it is not acting regardless of any need to act.](#)

NEW SECTION

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WAC 236-17-150 How can I appeal a denial of my application? To appeal a denial of your application, you must submit your appeal in writing to the director [of general](#)

administration⁹ within five working days of the date of the denial.¹⁰ Your appeal must state why you think the application was improperly denied improperly.

The director shall will issue a written decision on the appeal in writing within three working days of receiving itthe appeal, and this the director's decision will be the final decision of the department of general administration.

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GENERAL USE REQUIREMENTS

⁹ Redundant. See definitions.

¹⁰ GA should be very clear about the date when the clock begins to run. It is possible, for example, for a denial to be prepared and signed on a Monday, to be deposited in the mail Tuesday, and to arrive in Spokane on Thursday. What is the last day of the week the applicant in Spokane can appeal the denial?

NEW SECTION

12

WAC 236-17-200 General use requirements. The following general use requirements apply to all activities in the public areas of the capitol buildings and grounds, including free speech and assembly activities and private or commercial activities, regardless of whether a permit is required under WAC 236-17-100. These requirements are not applicable to government activities. These requirements are intended to ¹¹facilitate use

of the public areas of the capitol buildings and grounds while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

All activities in the public areas of the capitol buildings and grounds ~~shall~~ must comply with all applicable laws, rules and regulations.

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~~11 GA should state what it means; if GA states what it means, then there is no need to resort to intentions that are subject to interpretation.~~

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NEW SECTION

WAC 236-17-210 General administration may set reasonable time, place, and manner limits on activities. We may establish reasonable time, place, and manner restrictions for use of the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other ~~such~~ reasonable considerations. We may make further details about such reasonable time, place, and manner restrictions available for public inspection during normal business hours or post them where appropriate. These may include, but are not limited to:

- (1) Time and duration available for use;
- (2) The maximum number of people or vehicles allowed at any

particular location for any given time or period; and

(3) Locations available for use.

We ~~shall~~ ~~will~~ not permit an activity ~~where it~~^{that}₁₂ would conflict with the date, time, or location of a previously permitted activity ~~and where multiple activities cannot be reasonably accommodated at the same time~~₁₃. We may recommend to you other options for dates, times, or locations if your request would conflict with a previously permitted activity.

No exhibits or displays may be placed in~~,~~ or posted or affixed to~~,~~ any capitol building.

¹² "Where" indicates a location, but date and time are temporal.

¹³ Redundant; the first clause is clear.

¹⁴

Banners ~~or~~ ~~and~~ signs may be used during an activity in a capitol building only if they are handheld and not affixed to sticks or poles.

Banners, signs, exhibits~~,~~ ~~or~~ ~~and~~ displays may be placed or posted on the capitol grounds. Such items must be removed at the end of the activity. Such items must ~~also clearly~~ identify ~~clearly~~ the sponsor and contain a disclaimer stating that ~~they~~ ~~the items~~ are not owned, maintained, promoted, or supported by or associated with the state. The state assumes no liability for loss or damage to such items.

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NEW SECTION

WAC 236-17-220 Activities may not disrupt the conduct of government business. You may not engage in any No activity may that disrupts, conflicts with, or interferes with the normal conduct of any state business, meeting, or proceeding.¹⁴

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¹⁴ Use of active voice makes clear who is responsible for not disrupting, etc.

15

NEW SECTION

WAC 236-17-230 Activities may not obstruct safe access for people or vehicles. You may not No activity may obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people or vehicles.

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NEW SECTION

WAC 236-17-240 Activities may not create a hazard to people or damage to property. We shall will not permit activities in any location where they activities would present a hazard to people or property.

You may not alter or cause damage to capitol buildings or grounds.

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NEW SECTION

WAC 236-17-250 Service animals are allowed. You may have service animals in the public areas of the capitol buildings and grounds. All You may not have other pets or domestic animals are prohibited in the public areas of capitol buildings, except as part of the conduct of state government business.

You may have pets or domestic animals in the public areas of the capitol grounds; however, you must keep them under your direct physical control and clean up after them at all times.

If Tthe director may designates off-leash areas in the public areas of the capitol grounds, and any such areas will be clearly postedyou may unleash your pet or domestic animal in an offleash area.

You may not allow your pet or domestic animal to menace or injure other people or animals.

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NEW SECTION

WAC 236-17-260 Permits are not transferable. You may not transfer your permit to another person or organization. Your permitted Aactivities may only be held in the area and during the time period designated by the permit.

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NEW SECTION

WAC 236-17-270 General administration may cancel a

permit. We may cancel your permit at any time if your activity does not comply with any applicable laws and rules or the terms of the permit. If your permit is canceled and you persist in your activity, **you may be subject to** appropriate law enforcement action **may be taken**.

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NEW SECTION

WAC 236-17-280 General administration may limit use at any

time due to unforeseen operational circumstances. We reserve the right to cancel a permit or limit use of the public areas of the capitol buildings and grounds at any time due to unforeseen operational circumstances, including, but not limited to, urgent security concerns, emergency repairs, or other **necessary** state government **needsactivities**¹⁵. We will¹⁶ make reasonable efforts to alleviate the effects of such circumstances on permitted activities.

[]

FREE SPEECH AND ASSEMBLY ACTIVITIES

¹⁵ **Necessity rather than need seems more appropriate to this section.**

¹⁶ **Note that hear "will" rather than shall is in the original; will is the better choice.**

NEW SECTION

19

WAC 236-17-300 People are welcome to eExercise their of rights to free speech and assembly. People are welcome¹⁷have the to exercise their rights to exercise free speech and assembly at the capitol buildings and grounds subject to narrowly-tailored time, place, and manner restrictions. In addition to our general use requirements described above, the following requirements are intended to facilitate use of the public areas of the capitol buildings and grounds, regardless of whether a permit is required under WAC 236-17-100, while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

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¹⁷ While it is seemingly polite "to welcome" people to use their rights, the rights pre-exist GA and are rights that may be exercised (subject to narrowly-tailored time, place, and manner restrictions) whether or not welcomed by GA. More bluntly, GA should avoid this unnecessary insult.

NEW SECTION

20

WAC 236-17-310 There is no fee for free speech and assembly activity permits. There is no fee for a permit for

free speech and assembly activities. However, you may be responsible for paying for any services provided by general administration that you will need (such as for equipment set-up or custodial services). In order to effectively ¹⁸manage our services effectively, you must submit your request for our services at least five working days prior to your activity.

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¹⁸ Split infinitive.

NEW SECTION

WAC 236-17-320 General administration may set reasonable time, place, and manner limits on free speech and assembly activities. We may set reasonable narrowly-tailored time, place, and manner limits on free speech and assembly activities in the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other such reasonable considerations. These may include, but are not limited to, limits designated by the director under WAC 236-17-210.

Free speech and assembly activities may not exceed fourteen consecutive calendar days in duration. When Wwe may set further

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approve your permit, we may establish a duration of less than fourteen dayslimits on duration in order to accommodate and manage the many activities and visitors that come to the capitol

buildings and grounds.

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PRIVATE AND COMMERCIAL ACTIVITIES

NEW SECTION

WAC 236-17-400 Private and commercial activities may be

permitted if consistent with state government needs. In

addition to the general use requirements described above, these requirements are intended to accommodate private and commercial use of the public areas of the capitol buildings and grounds to the extent such use is consistent with state government needs activities, and while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

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NEW SECTION

WAC 236-17-410 Private and commercial activities may be

charged applicable fees. General administration shall will

establish a fee schedule for permits for private and commercial activities and make the fee schedule available for public inspection.¹⁹ You are also responsible for paying for any services provided by general administration that you will need (such as for equipment set-up or custodial services). In order to effectively manage our services effectively, you must submit

your request for our services at least five working days prior to your activity.

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¹⁹ GA should set the schedule rather than say it will set the schedule; what, after all, is accomplished by stating GA will set a schedule--no one can act or refrain from acting based on GA's plan to set a schedule.

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NEW SECTION

WAC 236-17-420 General administration may set reasonable time, place, and manner limits on private and commercial activities. We may set reasonable time, place, and manner limits on private and commercial activities in the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other such considerations. These may include, but are not limited to, limits designated by the director under WAC 236-17-210.

Private and commercial activities may not exceed fourteen consecutive calendar days in duration. If you demonstrate good cause why the director should waive the fourteen-day limitation, then the director, at the director's sole discretion, may waive the limitation and establish a longer duration. Where circumstances establish good cause, the director may waive this time requirement.

Private or commercial sales, solicitation, or fund-raising activities are not permitted in the public areas of capitol campus buildings.

We may designate locations in less formal public areas of the capitol grounds such as Heritage Park, Sylvester Park, or Marathon Park for commercial vendor sales and for fund-raising activities by not-for-profit organizations. as part of a

24

permitted public community event such as Capital Lakefair, Music in the Park, or the Capital City Marathon.²⁰

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²⁰ This suggestion is substantive. GA may want to make this change so that GA could require a flea market, for example, be held in a location other than between the Tivoli Fountain replica and the WWII memorial.

NEW SECTION

WAC 236-17-430 General administration may require

additional conditions for private and commercial activities. We may require additional conditions for private and commercial activities through written contract or agreement, including, but not limited to:

(1) Liability insurance covering the applicant and the activity;

(2) Hold harmless and indemnification provisions; and

(3) Information on your ability to finance, plan, and manage the activity in order to protect the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

[]